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REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF THE OCCUPIED TERRITORIES

Note by the Secretary-General

1. The Secretary-General has the honour to transmit to the members of the General Assembly the twenty-sixth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, which was submitted to him in accordance with paragraphs 5, 6 and 7 of Assembly resolution 48/41 A of 10 December 1993. The present report should be considered together with the Special Committee's periodic reports contained in documents A/49/67 and A/49/172, which were transmitted to the members of the Assembly on 4 February and 7 June 1994, respectively.

2. The present report contains a summary of articles and reports received during the period covered by the present document. In preparing the report, the newspapers mentioned below have been taken into account. Reference to reports appearing in the Arab press published in the occupied territories is made when they contain relevant material not found in the Israeli newspapers listed below. The terminology used in the report is that found in the original version of the summarized newspaper reports.

Israeli press	Ha'aretz	(Hebrew language daily)
	Jerusalem Post	(English language daily)
Arab press published in the occupied territories	Al-Tali'ah	(Arabic language daily)
	The Jerusalem Times	(English language daily)

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LETTER OF TRANSMITTAL

26 August 1994

Sir,

The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories has the honour to transmit herewith its twenty-sixth report, prepared in accordance with General Assembly resolution 2443 (XXIII) of 19 December 1968, by which the Special Committee was established, and resolution 48/41 A of 10 December 1993, the latest resolution by which the General Assembly renewed its mandate.

This report covers the period from 27 August 1993, the date of the adoption of the twenty-fifth report of the Special Committee, to 26 August 1994. The report is based on written information gathered from various sources, in particular Israeli press reports as well as articles appearing in the Arab press published in the occupied territories. It also includes oral information received by the Special Committee through testimonies of persons having first-hand experience of the human rights situation in the occupied territories. Written information concerning the period from 28 August to 30 November 1993 is reflected in the periodic report the Special Committee presented to you on 14 January 1994 (A/49/67). Written information concerning the period from 1 December 1993 to 31 March 1994 is reflected in the periodic report the Special Committee presented to you on 7 May 1994 (A/49/172). These periodic reports have been submitted in accordance with paragraph 6 of General Assembly resolution 48/41 A of 10 December 1993 in which the Assembly requested the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory.

For the purpose of collecting oral testimonies the Special Committee again organized hearings that were held at Cairo, Amman and Damascus. The Special Committee continued to monitor statements by members of the Government of Israel reflecting the policies of that Government in the occupied territories and reports on measures taken to implement them. The Special Committee further noted the letters addressed to you during the period of this report relating to its mandate and circulated as documents of the General Assembly, and received information from Governments, organizations and individuals on various aspects of the situation in the occupied territories.

In carrying out its mandate, the Special Committee benefited from the cooperation of the Governments of the Syrian Arab Republic, Jordan and Egypt and from the cooperation of Palestinian representatives. However, the Government of Israel has continued to withhold its cooperation.

His Excellency
Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

In preparing its report the Special Committee has attempted to put before you a composite picture of the realities in the occupied territories as it affects the human rights of the civilian population. By this letter the Special Committee wishes to draw your attention to a number of aspects that deserve particular mention.

The period covered by the Special Committee's twenty-sixth report virtually coincides with that which has elapsed since the signing of the Declaration of Principles on Interim Self-Government Arrangements between Israel and the Palestine Liberation Organization (PLO) on 13 September 1993 in Washington, D.C. The international community welcomed this historic event with optimism and hope that a new era of peace, justice and understanding in the region had been brought about. The agreement generated high expectations among the majority of the Palestinians and other Arabs of the occupied territories that their situation of human rights would improve. It is in this spirit that the Special Committee has approached its responsibility in carrying out its mandate.

The information contained in the twenty-sixth report of the Special Committee shows, however, that the situation of human rights in the occupied territories continues to be serious.

A major factor of tension and instability in the occupied territories is the continued existence of Israeli settlements, which represents a threat to peace and security in the region. Although no new settlements have been established during the period under review, a number of existing settlements has been expanded. The Government of Israel has pursued the policy of land confiscation, which has reportedly been intensified significantly since the signing of the Declaration of Principles and of the Israel-PLO Agreement on the Gaza Strip and the Jericho Area signed at Cairo on 4 May 1994.

A principal source of persistent tension among the population is the increasingly aggressive and violent behaviour of settlers, who have acted with impunity in most cases. Settlers have blocked roads, threatened, shot at and beaten Arab civilians, and have damaged or destroyed their property. They appear to have been systematically armed and their activities condoned by the Israeli Defence Forces. The most tragic example of settler violence was the massacre committed against Palestinian worshippers at the Ibrahimi Mosque in Hebron on 25 February 1994 when at least 29 persons lost their lives and numerous others were wounded. During the hearings of the Commission that the Israeli Government established to investigate this incident, it was revealed that army orders forbade soldiers to fire at settlers, even in cases when the settlers were unlawfully shooting at Palestinian residents.

Although the overall level of violence in the occupied territories had somewhat declined since the signing of the Declaration of Principles, sporadic outbreaks have met with harsh repressive measures against the civilian population, often resulting in a large number of casualties. Numerous instances of random shooting by troops were reported, often with live ammunition and involving minors. The operation of undercover units has continued.

In addition to the measures employed to quell disturbances, the occupying forces have continued to implement measures of collective punishment such as

prolonged curfews and closures. After the massacre at the Ibrahimi Mosque in Hebron, a 24-hour curfew was imposed for five weeks on the Arab population of the city who were its victims. This curfew did not, however, apply to settlers.

These measures of collective punishment implemented after outbreaks of violence and disturbances have adversely affected the already precarious economic and social situation in the occupied territories. The negative impact of such measures was felt particularly with regard to health care and the functioning of medical institutions. The policy of economic pressure, such as the uprooting of trees and practices resulting in environmental degradation, has continued to be applied.

The closure of the occupied territories has restricted freedom of movement to a considerable extent, in particular with regard to the policy concerning the issue of entry permits into Israel or to other parts of the occupied territories. Limitations concerning freedom of movement have impeded access to holy sites and prevented students and teachers from the Gaza Strip from commuting to educational institutions in the West Bank.

Substantial deficiencies in the administration of justice have continued in the occupied territories where formal complaints against settlers have rarely been acted upon. Israelis and settlers have continued to receive more lenient sentences in contrast to the harsher ones meted out to Palestinians having committed similar offences. It has been reported that the severity of sentences imposed on the Arab population of the occupied territories has increased since the signing of the Declaration of Principles.

A positive development during the period covered by the Special Committee's twenty-sixth report was the return to the occupied territories in stages of a number of long-term deportees. An additional positive development was the granting of a certain number of residence permits with a view to family reunification.

Reports by prominent human rights organizations have revealed that particularly disquieting practices amounting to torture and ill-treatment, especially during interrogation, have continued to be practiced in Israeli detention centres even after the signing of the Declaration of Principles. The classified guidelines concerning methods of interrogation which allow for the use of "moderate physical pressure" against detainees have continued to be applied, as has confinement in isolation cells. The conditions of detention have reportedly not improved.

The signing of the Declaration of Principles and the Cairo Agreement has resulted in the release of a large number of Palestinian prisoners from detention centres in the occupied territories and Israel. More than 4,000 Palestinian prisoners were released recently within the framework of the confidence-building measures enshrined in the Israel-PLO Agreement on the Gaza Strip and the Jericho Area.

Although the number of house demolitions related to security offences and during searches for wanted fugitives has somewhat declined, houses have continued to be demolished for lack of building permits.

The Special Committee has endeavoured, within the constraints imposed on it, to provide in its periodic reports (A/49/67 and A/49/172) and in the present twenty-sixth report an objective picture of the situation of human rights in the occupied territories. The initial hope and expectations expressed by the inhabitants of the territories at the time of the signing of the historical agreement between Israel and the PLO has since given way to a feeling of disillusion among the majority of persons whom the Special Committee has interviewed. Despite the positive developments mentioned above, the status of occupation continues and Israel should abide by its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and other relevant international instruments. The progress made in the peace process must be accompanied by full compliance with all universally accepted standards of human rights in the true spirit of peace.

The Special Committee has once again made a number of recommendations at the end of its report. In addition to those of a general nature, the Special Committee has appealed to Israel to act in conformity with the spirit animating the peace process by giving serious consideration to a number of concrete measures (see conclusions and recommendations).

The Special Committee feels that unless definite progress is made with regard to the enjoyment of human rights by all the inhabitants of the occupied territories, there is a real danger that support for the peace process will give way to hopelessness and despair, with all the attendant consequences. The efforts of all the parties concerned should be directed towards the nurturing of a truly meaningful culture of respect for human rights in the occupied territories so that peace, understanding and mutual respect will prevail among all the inhabitants of the region.

Accept, Sir, the assurances of my highest consideration.

(Signed) Stanley KALPAGE
Chairman of the Special Committee to
Investigate Israeli Practices Affecting the
Human Rights of the Palestinian People and
Other Arabs of the Occupied Territories

I. INTRODUCTION

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories was established by the General Assembly in resolution 2443 (XXIII) of 19 December 1968. By that resolution, the Assembly decided to establish the Special Committee, composed of three Member States; requested the President of the Assembly to appoint the members of the Special Committee; requested the Government of Israel to receive the Special Committee, to cooperate with it and to facilitate its work; requested the Special Committee to report to the Secretary-General as soon as possible and whenever the need arose thereafter; and requested the Secretary-General to provide the Special Committee with all the necessary facilities for the performance of its task.

2. The Special Committee is composed as follows: Mr. Stanley Kalpagé, Permanent Representative of Sri Lanka to the United Nations, Chairman; Mr. Ibra Déguène Ka, Ambassador of Senegal to the Swiss Confederation and Permanent Representative of Senegal to the United Nations Office at Geneva; Mr. Abdul Majid Mohamed, Ambassador of Malaysia to the United States of America.

3. At the meetings of the Special Committee held from 1 to 7 May 1994, Mr. Zainal Azman Zainal Abidin, Ambassador of Malaysia to the Arab Republic of Egypt, attended as the representative of Malaysia.

4. Since October 1970, the Special Committee has submitted 25 reports. 1/ These reports were discussed in the Special Political Committee, which then reported to the General Assembly. 2/ On the recommendation of the Special Political Committee, the Assembly adopted resolutions 2727 (XXV) of 15 December 1970, 2851 (XXVI) of 20 December 1971, 3005 (XXVII) of 15 December 1972, 3092 A and B (XXVIII) of 7 December 1973, 3240 A to C (XXIX) of 29 November 1974, 3525 A to D (XXX) of 15 December 1975, 31/106 A to D of 16 December 1976, 32/91 A to C of 13 December 1977, 33/113 A to C of 18 December 1978, 34/90 A to C of 12 December 1979, 35/122 A to F of 11 December 1980, 36/147 A to G of 16 December 1981, 37/88 A to G of 10 December 1982, 38/79 A to H of 15 December 1983, 39/95 A to H of 14 December 1984, 40/161 A to G of 16 December 1985, 41/63 A to G of 3 December 1986, 42/160 A to G of 8 December 1987, 43/58 A to G of 6 December 1988, 44/48 A to G of 8 December 1989, 45/74 A to G of 11 December 1990, 46/47 A to G of 9 December 1991, 47/70 A to G of 14 December 1992 and 48/41 A to D of 10 December 1993.

5. The present report has been prepared in accordance with General Assembly resolutions 2443 (XXIII), 2546 (XXIV), 2727 (XXV), 2851 (XXVI), 3005 (XXVII), 3092 B (XXVIII), 3240 A and C (XXIX), 3525 A and C (XXX), 31/106 C and D, 32/91 B and C, 33/113 C, 34/90 A to C, 35/122 C, 36/147 C, 37/88 C, 38/79 D, 39/95 D, 40/161 D, 41/63 D, 42/160 D, 43/58 A, 44/48 A, 45/74 A, 46/47 A, 47/70 A and 48/41 A.

II. ORGANIZATION OF WORK

6. The Special Committee continued its work under the rules of procedure contained in its first report to the Secretary-General. 3/

7. In its resolution 48/41 A, the General Assembly:

> "5. Requests the Special Committee, pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;
>
> "6. Also requests the Special Committee to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory;
>
> "7. Further requests the Special Committee to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967."

8. The Special Committee held the first of its series of meetings from 12 to 14 January 1994 at Geneva. The activities of the Special Committee during those meetings are reflected in document A/49/67 (paras. 2-6).

9. The Governments of Egypt, Jordan and the Syrian Arab Republic as well as the Observer for Palestine subsequently responded to the Special Committee's request for cooperation (see A/49/67 (para. 4)), reconfirming their readiness to continue cooperating with the Special Committee.

10. The Special Committee held a second series of meetings at Geneva (25 April 1994), Cairo (27-29 April 1994), Amman (1-4 May 1994) and Damascus (5-7 May 1994). At those meetings, the Committee examined information on developments occurring in the occupied territories between December 1993 and March 1994. It had before it a number of communications addressed to it by Governments, organizations and individuals in connection with its mandate. At Cairo, Amman and Damascus the Committee heard the testimonies of persons who had just returned from or were living in the occupied Syrian Arab Golan, the West Bank and the Gaza Strip and concerning the situation in those territories.

11. At Cairo the Special Committee was received by the Deputy Minister for Foreign Affairs for International Political Affairs, Mrs. Gillane M. Allam. It also met with Mr. Mahmoud Karim, Director of the Palestinian Affairs Department, Ministry of Foreign Affairs, and Mr. Essam Hanafy, Director of the Israeli Affairs Department, Ministry of Foreign Affairs. In addition, the Special Committee visited the Palestinian Red Crescent Hospital where it heard the testimony of several patients, residents of the territories. The Special

Committee also visited Rafah, bordering the Gaza Strip, where it had the opportunity to hear witnesses who had just arrived from the Gaza Strip.

12. At Amman the Special Committee was received by the Minister of State for Foreign Affairs, Mr. Talal Al Hassan. It also met with the Minister of State for Palestinian Affairs, Mr. Adel Irshaid, Mr. Asem Ghosheh, Director-General, Department of Occupied Territories Affairs, Ministry of Foreign Affairs, and other high-ranking officials of the Government of Jordan, and was informed about the most recent developments in the occupied territories. During its stay at Amman, the Special Committee also met with the acting Chairman of the Palestinian National Council, Mr. Saleem Zaanoon, and other high-ranking Palestinian officials. In addition, the Special Committee heard the testimony of persons who were wounded during the Hebron massacre at the King Hussein Medical Centre in Amman. While in Jordan, the Special Committee visited the King Hussein Bridge where it heard the testimony of Palestinians who had just crossed over from the West Bank.

13. At Damascus the Special Committee was received by the Minister of State for Foreign Affairs, Mr. Nasser Kaddour. It also met with Mr. Taher Al-Husami, Director of the Department of International Organizations and Conferences, Ministry of Foreign Affairs, and with Mr. Khalil Abou Hadid, International Organizations Department, Ministry of Foreign Affairs, and was presented with a report concerning the human rights situation in the occupied Syrian Arab Golan. During its stay in the Syrian Arab Republic, the Special Committee visited Quneitra province, bordering the occupied Syrian Arab Golan. It met with the Governor of Quneitra and other high-ranking officials of the province and was presented with information on Israeli practices against the Syrian Arab citizens in the occupied Golan.

14. The Special Committee examined and completed the periodic report (A/49/172) updating information contained in its previous periodic report (A/49/67). It decided that any further information and evidence relevant to its mandate would be reflected, together with its conclusions, in the present report of the Special Committee.

15. On 7 May 1994, the Chairman of the Special Committee transmitted to the Secretary-General its periodic report covering the period from 1 December 1993 to 31 March 1994 (A/49/172). That report was based on written information gathered from various sources among which the Special Committee had selected relevant excerpts and summaries, which were reflected in the report.

16. The Special Committee met again at Geneva from 22 to 26 August 1994. At those meetings, the Special Committee examined information on developments occurring in the occupied territories from April to August 1994. It had before it a number of communications addressed to it by Governments, organizations and individuals in connection with its mandate, as well as records of testimonies collected during its previous series of meetings. It examined and completed the present report on 26 August 1994.

III. MANDATE

17. The General Assembly, in its resolution 2443 (XXIII), entitled "Respect for and implementation of human rights in occupied territories", decided to establish a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, composed of three Member States.

18. In its resolution 44/48 A, the General Assembly decided to change the name of the Special Committee to "Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories".

19. The mandate of the Special Committee, as set out in resolution 2443 (XXIII) and subsequent resolutions, was to investigate Israeli practices affecting the human rights of the population of the occupied territories.

20. In interpreting its mandate, the Special Committee determined that:

(a) The territories to be considered as occupied territories referred to the areas under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank (including East Jerusalem), the Gaza Strip and the Sinai Peninsula. Following the implementation of the Egyptian-Israeli Agreement on Disengagement of Forces of 18 January 1974 and the Agreement on Disengagement between Israeli and Syrian Forces of 31 May 1974, the demarcation of the areas under occupation was altered as indicated in the maps attached to those agreements. The areas of Egyptian territory under Israeli military occupation were further modified in accordance with the Treaty of Peace between the Arab Republic of Egypt and the State of Israel, which was signed on 26 March 1979 and which came into force on 25 April 1979. On 25 April 1982, the Egyptian territory remaining under Israeli military occupation was restituted to the Government of Egypt in accordance with the provisions of the aforementioned agreement. Thus, for the purposes of the present report, the territories to be considered as occupied territories are those remaining under Israeli occupation, namely, the occupied Syrian Arab Golan, the West Bank, including East Jerusalem, and the Gaza Strip;

(b) The persons covered by resolution 2443 (XXIII) and therefore the subject of the investigation of the Special Committee were the civilian population residing in the areas occupied as a result of the hostilities of June 1967 and those persons normally resident in the areas that were under occupation but who had left those areas because of the hostilities. However, the Committee noted that resolution 2443 (XXIII) referred to the "population" without any qualification as to any segment of the inhabitants of the occupied territories;

(c) The "human rights" of the population of the occupied territories consisted of two elements, namely, those rights which the Security Council referred to as "essential and inalienable human rights" in its resolution 237 (1967) of 14 June 1967 and, secondly, those rights which found their basis in the protection afforded by international law in particular circumstances such as military occupation and, in the case of prisoners of war, capture. In accordance with General Assembly resolution 3005 (XXVII), the Special Committee

was also required to investigate allegations concerning the exploitation and the looting of the resources of the occupied territories, the pillaging of the archaeological and cultural heritage of the occupied territories, and interference in the freedom of worship in the Holy Places of the occupied territories;

(d) The "policies" and "practices" affecting human rights that came within the scope of investigation by the Special Committee referred, in the case of "policies", to any course of action consciously adopted and pursued by the Government of Israel as part of its declared or undeclared intent; while "practices" referred to those actions which, irrespective of whether or not they were in implementation of a policy, reflected a pattern of behaviour on the part of the Israeli authorities towards the civilian population in the occupied areas.

The geographical names as well as the terminology employed in the present report reflect the usage in the original source and do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations.

21. Since its inception the Special Committee has relied on the following international instruments in interpreting and carrying out its mandate:

(a) The Charter of the United Nations;

(b) The Universal Declaration of Human Rights;

(c) The Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949; 4/

(d) The Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949; 5/

(e) The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954; 6/

(f) The Hague Conventions of 1899 and 1907 respecting the Laws and Customs of War on Land; 7/

(g) The International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. 8/

22. The Special Committee has also relied on those resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs, the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights, as well as the relevant resolutions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the International Labour Organization (ILO).

IV. INFORMATION AND EVIDENCE RECEIVED BY THE SPECIAL COMMITTEE

23. In the course of carrying out its mandate, the Special Committee has relied on the following sources:

(a) The testimony of persons with first-hand knowledge of the situation of the population in the occupied territories;

(b) Reports in the Israeli press, including of pronouncements by responsible persons in the Government of Israel;

(c) Reports appearing in other news media, including the Arab language press published in the occupied territories, in Israel and the international press.

24. The Special Committee also received written statements from the Governments of Jordan and the Syrian Arab Republic.

25. The Government of Jordan has provided the Special Committee with various monthly reports on Israeli settlement and human rights violations in the occupied Palestinian territories. The reports contain information and data on confiscation of land and settlement, including settlement plans and projects, and settlement roads; encroachments on land; attacks on Arab citizens and their property, including a reference to the massacre at the Ibrahimi Mosque in Hebron; arrests, including mass arrests; administrative detention; sentences passed on Arab citizens; conditions in Israeli prisons and detention centres and ill-treatment of detainees, including the state of health of the detainees, malnutrition and solitary confinement; killings; violations against educational institutions; restrictions on the freedom of movement and travel as well as on measures of collective punishment such as the demolition of houses.

26. The Government of the Syrian Arab Republic has provided the Special Committee with a report prepared by the Department of International Organizations and Conferences of the Ministry of Foreign Affairs, which deals in particular with Israeli practices in the occupied Syrian Arab Golan. The report indicated, inter alia, that:

> "Israel had enacted legislation, implemented measures and used various other means to divest the land and its population of their identity, and to Judaize and exploit that land and its resources in order to install settlements, settlers and military fortifications for purposes of subjugation, aggression and expansion at the expense of depriving the inhabitants of the Syrian Arab Golan of their fundamental freedoms and human rights."

The report indicated further that:

> "This began immediately after occupation with the destruction of population centres and Arab landmarks, in particular the town of Quneitra, including places of worship, schools, health centres and archaeological sites. The number of population centres destroyed amounted to 241, while the number of displaced inhabitants amounted to more than 120,000 ..."

"Israel continued to establish new settlements and to expand the area of existing settlements in accordance with a plan designed to bring the number of settlements in 1994 to 43 and the number of Israeli settlers to almost 20,000 ...

"Since its early occupation of the Golan, Israel has attempted to fabricate material, human, administrative and political justifications that enable it to annex the Golan. To achieve that aim, it employed a dual policy, covering both the land and the population, which it implemented in stages by means of a wide and provocative media campaign ...

"The occupation authorities, in particular their military forces, carried out various acts which destroyed the environment in the Golan and devastated its natural beauty and landscapes ...

"The Israeli authorities pursued a deliberate policy of imposing taxes which the Arab inhabitants of the Golan are unable to pay, since to do so would require incomes above those which they actually earn."

The report also contained information about the health situation of the inhabitants of the Syrian Arab Golan and "Israel's decreasing concern with their health situation and the creation of obstacles to local initiatives to improve that situation". Finally, the report indicated that "the Israeli occupation authorities attempt to stifle these ardent national feelings and prevent the Syrian Arab population from expressing their Arab national identity".

27. In April 1994, the Permanent Observer of Palestine to the United Nations Office at Geneva issued a memorandum concerning the situation of human rights in the occupied territories following the massacre at the Ibrahimi Mosque in Hebron on 25 February 1994. The memorandum mentions, inter alia, the imposition of measures of collective punishment such as closure of the occupied territories; acts of killing committed both by Israeli settlers and the Israeli armed forces; house demolition using artillery and rockets; vandalization of the environment; and the practice of torture during the "questioning of detainees in prisons, in the absence of any control or accountability".

28. In addition, the Special Committee received written information from intergovernmental organizations such as relevant specialized agencies, United Nations organs and regional organizations, as well as non-governmental organizations, individuals and Governments on the situation in the occupied territories. At its meetings, the Committee had before it several communications addressed to it directly or referred to it by the Secretary-General from sources outside and inside the occupied territories. Where necessary, the Committee has followed up information contained in those communications.

29. The Special Committee undertook a series of hearings at Cairo, Amman and Damascus during its meetings from 22 April to 7 May 1994. At those meetings, the Special Committee heard the testimony of 37 persons having first-hand knowledge of the human rights situation existing in the occupied territories. Those testimonies are contained in documents and are reflected in the present report.

30. The Special Committee has taken particular care to rely on information appearing in the Israeli press that has not been contradicted by the Government of Israel.

31. The following paragraphs contain a summary of the information examined by the Special Committee divided as follows:

(a) General situation;

(b) Administration of justice, including the right to a fair trial;

(c) Treatment of civilians;

(d) Treatment of detainees;

(e) Annexation and settlement;

(f) Information concerning the occupied Syrian Arab Golan.

32. This information has been divided into oral evidence and written information. In order to comply with restrictions on the volume of documentation now enjoined upon United Nations reports, the Special Committee has endeavoured to present the information in the most compact and concise form possible. Oral evidence, for which a full record of testimonies is available in documents A/AC.145/RT.634 and Add.1, A/AC.145/RT.635-638, A/AC.145/RT.639 and Add.1, A/AC.145/RT.640, A/AC.145/RT.641, A/AC.145/RT.642 and Add.1, A/AC.145/RT.644, A/AC.145/RT.645, A/AC.145/RT.646 and Add.1 and A/AC.145/RT.649 has been condensed to a general indication of the contents of such records. The report also attempts to summarize written information. That information is reflected in more detail in documents of the Special Committee, which are available on file in the Secretariat.

A. General situation

1. General developments and policy statements

Oral evidence

33. A witness who testified before the Special Committee offered the following explanation of the Palestinian attitude concerning the Declaration of Principles and how the situation in the occupied territories had developed since that time:

> "The timing of the signature of the Declaration of Principles coincided with a situation where the Palestinian people was under a total economic blockade imposed by Israel. This is why the Palestinian people, in their majority (perhaps 80 per cent were in favour of the signature), accepted the signature.
>
> "If the peace talks had taken place at the beginning of the intifadah, probably no one in Palestine and the Palestinian people would have agreed

to the talks. But after so many years of oppression and difficult life since the intifadah, everybody was happy to see this peace process go on.

"This is why the Palestinians welcomed the peace process. There were festivities. Everybody was happy and Abu Amar, that is Mr. Arafat, asked the Fatah to stop all actions against the occupier. The Fatah responded to this positively, stopped all actions against the occupying authorities and devoted their work to security inside Gaza, to protect the security of the citizens. However, the Israeli authorities kept pursuing the Fatah militants and many Fatah people were killed.

"A long time went by after the signature and nothing happened, no peace was in prospect. This is why slowly, but surely, the Palestinian people resorted again to their actions against the Israelis." (Mr. Yahya Ahmed Yahya, witness no. 9, A/AC.145/RT.635)

34. When the Special Committee asked another witness whether he thought that there has been any noticeable change in the attitude of the occupying Power after the signing of the Agreement between the PLO and Israel in Washington, the witness stated the following:

"From my viewpoint, there has been no change at all. But rather, we see that there is now a focus on the various aspects of occupation and that all forces are being directed towards the settlements, in order to assist the settlements. That has even reinforced the violent attitude of the settlers." (anonymous witness no. 2, A/AC.145/RT.634/Add.1)

35. One witness described the situation after the signing of the Declaration of Principles in the following manner:

"Since the signing of the Declaration of Principles between the PLO and Israel, the situation has become worse. Harassment, injuries inflicted upon people and killings have increased.

"At the beginning, when the peace agreement was signed, all the Palestinians stood behind the PLO and were ready to participate in the peace process. However, when it became clear that Israel was dragging its feet between Oslo, Washington, Cairo, all those negotiations that never ended, people started doubting about the usefulness of the process. At the beginning, there were no demonstrations. Everybody kept quiet and waited to see what was going to happen. But now, people are beginning to get restless.

"It started probably about three or four months later. At the beginning, there was a withdrawal plan within a month of the signing, or we were told that the withdrawal would start a month later. But nothing happened. Then, another date was given and nothing happened. People got disappointed and started moving again because there was no peace. We were promised peace, and there is no peace. Arrests are still going on, killing, maiming, wounding.

"However, if there is a withdrawal, the repression obviously will stop and therefore the Palestinian people will become quiet again and work towards peace." (Mr. Yousri Ismail Barbakh, witness no. 6, A/AC.145/RT.635)

36. A witness who testified before the Special Committee at Cairo gave the following assessment of the situation in the context of the peace agreement:

"When we first heard that there would be a peace process, it was as if a beautiful new horizon had opened before us, to look into the future with hope. Our hearts were filled with hope at the time when the Declaration of Principles was announced. But unfortunately, until now, we have not seen any of these things they had promised us to come true. Palestinians are still being killed in the camps. The policy of bone-breaking invented by Rabin is still going on. Houses are still being demolished. Palestinians are still being arrested and detained, and if no charges are brought against these people, still the administrative detention law operates.

"Concerning the general feelings in Palestine, at the very outset of the agreement we had a great deal of hope. We had many prospects for the future. But the arbitrary actions continue to take place at the hands of the Israeli army." (Mr. Mohamed Omar, witness no. 10, A/AC.145/RT.635)

37. The Special Committee received additional testimony of the situation in the occupied territories following the signing of the Declaration of Principles:

"People are still having hopes that the future will be better and promising. Before I came here, I saw a family of 11 in the Bureij camp. The father asked me whether he would be able in the coming days to find a loaf of bread. This is as regards life itself. But as I have already mentioned, what we really see is that Israeli troops are still here as they used to be, even if they have changed places or changed their positions. ... No, they are still there, although military positions have moved from within the towns and camps to the crossroads. Courts-martial are still operating. Detainees are still in prison, they are not released yet. Has the detention campaign come to an end? Has the occupation come to an end? If these problems are not resolved, they will be a source of worry for the Palestinian people. But they should be resolved so that the Palestinians could feel that change is forthcoming." (Mr. Ibrahim Khamis Shehada, witness no. 11, A/AC.145/RT.636)

38. This information was further complemented with the testimony of another witness:

"At the outset, and in the light of the agreement signed by the PLO and the Israeli Government, we had expected that there would be categorical changes in the situation of human rights in the Gaza Strip. ... What has happened has been exactly the opposite of what we had expected, that is to say improvement.

"In the physical sense, regarding the physical presence of the occupation, according to the terms of the Declaration, there are now

negotiations under way on the redeployment of the Israeli forces. What is being discussed is not a complete and an overall Israeli withdrawal from Gaza and Jericho. It is a redeployment.

"As far as the legal level is concerned, five competences, or five domains of responsibilities, are going to be handed over to the Palestinians. Those are: education, health, tourism, direct taxation and social services." (Mr. Mazen Gamil Shaqurah, witness no. 12, A/AC.145/RT.636)

39. Another member of a human rights organization from the occupied territories provided the Special Committee with the following account:

"Experience has shown us that there is no credibility whatsoever when we look at the attitude of Israel as to the implementation of those agreements. As to the future, I cannot guess what the future is going to be. But, I can say that regardless of the number of agreements concluded, as long as they do not give a solution to the problems of the Palestinians, as long as there are settlers who live in the areas populated by the Palestinians, as long as there are Israeli soldiers attacking and killing, and settlers expanding on the Arab land and carrying out acts of aggression day after day after day, I believe the answer about what could happen - or what I believe could happen - has to be left to time to answer." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.641)

40. A trader from Gaza described his perception of the situation after the signing of the Declaration of Principles and what he expected for the future:

"As regards the living conditions, they are below zero. Anyone who sells anything on the street gets his money from selling to the workers who go and work in Israel. But since the closure of the occupied territories, no one goes to work in Israel and therefore no one can sell or buy anything.

"As to the violence, it is as it was before. There is no change at all. Until there is peace and until there is a withdrawal, everyone feels that violence is the only way. And as long as they are here, violence is going to continue.

"The first step is that they have to withdraw. They have to get out. Then there has to be goodwill on the basis of reciprocity. We do not expect miracles, we are not asking for miracles, we want reciprocity. All we want is that my son can get his higher education, that my second son would have a job, that personally I would have psychological security for myself, my house, my household. If these conditions were met, then life would go normally. What else can one ask for? We just want to live like human beings, not like animals ... I simply want security for myself and my family in order to be able to live normally." (anonymous witness no. 13, A/AC.145/RT.637)

41. The field worker of a human rights organization described how he perceived the situation in the Gaza Strip after the signing of the Declaration of Principles:

> "I was in the Gaza Strip and I have not seen there any change since the signing of the Declaration of Principles. I heard that 70 per cent of the Israeli forces were already evacuated and deployed in the Israeli settlements. However, when you go to the Gaza Strip and walk through the streets and the camps, you do not discern any change. The military brigades are roaming the streets. The bullets are shot and heard everywhere. No change whatsoever has taken place in the Strip. People are now living in despair and frustration. They do not believe any more that there will be any withdrawal of the Israeli forces. The workers still stand from dawn to sunset at the doors of the Civil Administration to ask and wait for authorizations to work. Mothers still sit all day long in the military courts, Israeli soldiers still follow and chase wanted people. What are the changes? This is what the people ask themselves. There hasn't been any change in policy." (Mr. Bassem Eid, witness no. 17, A/AC.145/RT.639)

42. A witness informed the Special Committee about the wave of arrests that had taken place at the end of April 1994:

> "During the last week, the Israelis have come up with a wave of arrests and detentions which almost took the proportions of collective arrest or collective detention. The Israeli army, with the assistance of intelligence officers and bus companies, carried out a wide campaign of arrests. Our estimate is that about 200 people were taken en bloc under administrative detention procedures, without charges, for periods that can be between one and six months ... The people targeted by the campaign are people active for or believed to be supporters of the Palestinian parties Islamic Jihad and Hamas and certain Palestinian opposition members.
>
> "According to the information we have - and I am only sure of the figures regarding Gaza - between 200 and 250 persons have been arrested in the Gaza Strip. That concerns the wave of arrests which took place over two days recently. But besides, there still are the 'regular' monthly arrests, basically invoking security charges against the arrested persons. The average monthly rate of arrests is between 100 and 300. By the way, most of the Palestinians who are now being detained have not been charged for acts of violence, but rather for intifadah activities like writing graffiti, working for the committees, organizing meetings."
> (Mr. Mazen Gamil Shaqurah, witness no. 12, A/AC.145/RT.636)

43. The Special Committee heard the testimony of a housewife from the occupied territories about the feelings of the population at the time of the signing of the Declaration of Principles, the feeling of disillusion that followed and the general situation in the occupied territories:

> "There is no hope at all. If there was any hope, they wouldn't have been treating us like that. The fact that they treat us like this means that there is no hope.

"Of course, we were very happy. We were mad with happiness. We were having celebrations everywhere. We were hopeful, of course, because we would like to sleep without fear. We would like to be able to let our children go out without them being shot at.

"Of course, some were opposed. But, the majority was in favour of the signing. There were celebrations everywhere.

"There was a date set for the Palestinian police to come in and start policing Jericho. We expected them and we waited for them to come. But, then, we heard that there were some problems, some points that were not yet ironed out, like the border and other details. It was delayed by 10 days. Nothing happened. Then, we realized that Israel was not really serious and was beginning to drag its feet.

"Our life is miserable. It has become worse since the signing of the Declaration of Principles. There is no work for anyone. If they want peace, why do they prevent the people from going and working? Why have they closed the territories? We have small children who are leading a very miserable life. They would like to see what meat looks like. They don't know what it looks like. One kilo of meat is about 8 or 9 Jordanian dinars. Where can we get this money if we don't have any work? ... I have four children. We can't even buy milk for the children. I had to buy a goat to be able to give them some milk - for the two small ones." (Mrs. Soumaya Yaser Melhem, witness no. 21, A/AC.145/RT.642)

44. Another witness provided the following view when asked whether he had any information about what was going to happen in Gaza after the Palestinians took over the security arrangements. His reply was:

"I have no information. Whatever the situation, even if it is bad then, it will certainly be better than under the Israelis." (anonymous witness no. 24, A/AC.145/RT.642/Add.1)

45. Accounts of the general situation prevailing in the occupied territories may be found in documents A/AC.145/RT.634/Add.1 (anonymous witness), A/AC.145/RT.635 (Mr. Yousri Ismail Barbakh), A/AC.145/RT.635 (Mr. Yahya Ahmed Yahya), A/AC.145/RT.635 (Mr. Mohamed Omar), A/AC.145/RT.636 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.636 (Mr. Mazen Gamil Shaqurah), A/AC.145/RT.637 (anonymous witness), A/AC.145/RT.639 (Mr. Bassem Eid), A/AC.145/RT.640 (Mr. Mahmoud Jabarin), A/AC. 145/RT.642 (Mrs. Soumaya Yaser Melhem), A/AC.145/RT.642/Add.1 (anonymous witness).

Written information

46. On 1 April 1994, it was reported that Israeli lookout posts had disappeared in the Gaza Strip, that hundreds of troops had decamped from built-up areas and that army convoys were shifting mobile offices to the border with Israel. Offices of the Gaza City prison were also being removed to a ground near the Erez checkpoint, which was becoming a new complex for the Israeli Civil Administration. (The Jerusalem Times, 1 April 1994)

47. On 1 April 1994, it was reported that a Palestinian investment company had been established with the mission to build the infrastructure and develop a strategy for investments in the Palestinian autonomous areas. Palestinians from the occupied territories were expected to own 51 per cent of the new company's working capital of $200 million, while the rest would be shared by Palestinians in the diaspora and Jordanian businessmen. (The Jerusalem Times, 1 April 1994)

48. On 1 April 1994, a number of Palestinian human rights organizations (Al-Haq, Palestine Human Rights Information Centre, Quaker Legal Service, Information and Legal Aid Centre, Mandela Institute, Centre for International Human Rights Enforcement) expressed their deep concern over the increasing tension in the occupied territories, which could lead to serious repercussions for the lives of the civilian Palestinian population. The organizations cited amongst the reasons for the tension the following elements:

(a) Hebron has been under a 24-hour curfew for four weeks, which was causing total paralysis of the economic and social life of the community;

(b) The one-year closure of the occupied territories had been strengthened; permits previously issued have been revoked;

(c) No effective measures had been taken to reduce the presence of armed settlers in the West Bank and the Gaza Strip or to curtail their unrestrained harassment of and violence against the Palestinian residents;

(d) The Israeli authorities have detained at least 600 Palestinians, nearly replacing the number of prisoners previously released as a "confidence-building measure" following the massacre. (The Jerusalem Times, 1 April 1994)

49. On 4 April 1994, the Bank of Jordan opened its first branch in Ramallah. Israel and Jordan signed a memorandum of understanding in December allowing Jordanian banks which had branches in the West Bank before 1967 to reopen. The bank would be the second Jordanian bank to reopen in the territories. In 1986, Israel allowed the Cairo-Amman Bank to open a branch offering limited services in Nablus. (Jerusalem Post, 4 April 1994; Ha'aretz, 5 April 1994; also referred to in The Jerusalem Times, 8, 9 and 15 April 1994)

50. On 4 April 1994, Muslim leaders reopened the Temple Mount in Jerusalem to non-Muslims for the first time since the Hebron massacre. They had closed the area to non-Muslim visitors on the grounds that Jewish extremists supposedly planned an attack on the Temple Mount. (Jerusalem Post, 7 April 1994)

51. On 5 April 1994, the army began removing its main headquarters in Gaza City as part of an expedited effort to complete most of the evacuation by the following week. However, military sources emphasized that essential combat troops would remain until a full redeployment order was issued. In Jericho, evacuation was all but completed, following a week of accelerated activity. (Ha'aretz, 5, 6 April 1994; Jerusalem Post, 6 April 1994)

52. On 6 April 1994, representatives of the Fatah and of the Palestinian police did not attend the ceremony for the handing over by the Israeli authorities of

offices of the police centre in Gaza City to the Palestinians. (Ha'aretz, 7 April 1994)

53. On 8 April 1994, a report by the Mandela Institute for Political Prisoners showed that, as at 1 March 1994, there were 11,315 Palestinian political prisoners. Of this number, 3,860 prisoners were detained in regular prisons while 7,335 were held in military prisons. (The Jerusalem Times, 8 April 1994, Al-Tali'ah, 14 April 1994)

54. On 11 April 1994, undercover troops captured Rassam Siam (or: Rassin Bader al-Siam), 32, in the Jabalia refugee camp. Siam, a wanted Hamas fugitive, was considered by the military authorities to be the head of the military wing of Hamas in the Jabalia area. Between four and seven other Arabs, including another wanted fugitive, were reportedly also arrested for helping Siam. (Ha'aretz, Jerusalem Post, 12 April 1994)

55. On 11 April 1994, the High Court of Justice agreed to review the army's open-fire orders in response to a petition by a reserve soldier, who had asked that the regulations be tightened. Yoav Hess asked that the rules be tightened so that soldiers might only shoot if their lives were in immediate danger. Under the existing regulations, troops could open fire without warning at any armed Palestinian, even if there was no direct threat. (Ha'aretz, Jerusalem Post, 12 April 1994)

56. On 13 April 1994, it was reported that Maj.-Gen. Ilan Biran, 48, was appointed as the new Officer Commanding (OC) of the Central Command. He was to replace Acting OC Central Command Maj.-Gen. Danny Yatom who had temporarily taken over the position after the death of Maj.-Gen. Nehemia Tamari in a helicopter crash in January. (Ha'aretz, Jerusalem Post, 13 April 1994)

57. On 17 April 1994, it was reported that the Peace Watch group had stated in a report that Fatah had been involved in 37 acts of violence against Israelis in which five people were killed since the signing of the Declaration of Principles. The non-partisan group indicated that the PLO had violated three of four obligations it undertook in the Declaration, including a commitment to end its own "terrorist" activities and to encourage putting an end to violence by all Palestinians. The group stated that Israel had violated a commitment to prevent its civilians from attacking Palestinians. In six incidents, Israeli civilians had killed 36 Palestinians, including 29 in the Hebron massacre. (Jerusalem Post, 17 April 1994)

58. On 19 April 1994, military sources announced that, in a firm attempt to stem the current wave of "terrorist" attacks against Israelis, the army had arrested "more than 300" (possibly up to 362) suspected Hamas and Islamic Jihad activists in pre-dawn raids throughout the territories. Several guns were found during the raids. (Ha'aretz, 20 April 1994; Jerusalem Post, 20, 21 April 1994; also referred to in Al-Tali'ah, 21 April 1994)

59. On 21 April 1994, a resident of Ramallah, 31, who had collaborated with the Civil Administration and the police in the territories, started a hunger strike in front of the office of the Prime Minister in Jerusalem to protest against the fact that he was not granted an Israeli identity card, a weapon and some

financial help, despite the fact that his life was in danger. (Ha'aretz, 22 April 1994)

60. On 22 April 1994, the Fatah Hawks and the Izz Al-din al-Qassam, the armed wings of Fatah and Hamas movements, signed a six-point agreement pledging to settle internal Palestinian disputes peacefully in the Gaza Strip. The agreement included a pledge by Izz Al-din al-Qassam to suspend attacks for one month on Palestinians they considered as "collaborators" with the General Security Service (GSS). By the time the month was over, the PLO was expected to be in charge of the administration in Gaza. The accord did not refer to violence against Israelis. (Ha'aretz, Jerusalem Post, 24 April 1994)

61. On 24 April 1994, the Government denied allegations by Amnesty International that the army had engaged in systematic torture of Palestinians. In a statement from London, Amnesty charged that thousands of Palestinians in the territories were detained on security grounds each year and subjected to "torture or ill-treatment" during interrogation. (Jerusalem Post, 24 April 1994)

62. On 25 April 1994, it was reported that the security authorities had started to issue Israeli identity cards to more than 100 Palestinians who had collaborated with the Israeli authorities and to their families. Twenty families of collaborators from the village of Fahme, located in the northern West Bank, had already received IDs. (Ha'aretz, 25 April 1994)

63. On 27 April 1994, a senior PLO official announced that the PLO would not pardon hundreds of Palestinians who were accused of collaboration with Israel, despite pressure from Israel to do so as part of their limited autonomy agreement. (Jerusalem Post, 28 April 1994)

64. On 27 April 1994, it was reported that two Israeli Arabs were among the 29 suspects arrested for involvement in the 13 April suicide bombing of the Hadera central bus station in which five Israelis were killed. Both were from West Barta'a, the Israeli half of a village that spreads to both sides of the Green Line in the Wadi Ara area. The other suspects were from East Barta'a and nearby Yabad. (Ha'aretz, Jerusalem Post, 27 April 1994)

65. On 27 April 1994, it was reported that OC Central Command Maj.-Gen. Ilan Biran had ordered a freeze of the activities of the special IDF cells that were operating against stone-throwers in the West Bank, reportedly in order to check the procedures for opening fire and to avoid unnecessary shooting. (Ha'aretz, 27 April 1994)

66. On 28 April 1994, it was reported that some 450 Hamas activists had been arrested by the security forces so far. (Ha'aretz, 28 April 1994)

67. On 1 May 1994, it was reported that an Israeli Arab man was arrested for giving his identity card to the "terrorist" who was responsible for the 6 April suicide car bomb attack in Afula. The card was used to get past army roadblocks. Eight people died in the attack. (Jerusalem Post, 1 May 1994)

68. On 1 May 1994, it was reported that Hamas had rejected the offer of Foreign Minister Shimon Peres to release its leader, Sheikh Ahmed Yassin, in return for ending violence and beginning negotiations. (Jerusalem Post, 1 May 1994)

69. On 3 May 1994, it was reported that the use of live ammunition against Palestinian rioters had been all but forbidden on the eve of the signing of the agreement concerning the implementation of autonomy in Gaza and Jericho, under new guidelines issued by the Central Command. The new guidelines stipulated that live ammunition could only be used in the event of "a real life-threatening situation". A Central Command source stated that those guidelines applied especially to situations where IDF soldiers were present when riots and stone-throwing took place. The idea was to disengage, rather than allow the outbreak of clashes that eventually cost lives. (Jerusalem Post, 3 May 1994)

70. On 5 May 1994, it was reported that the Al-Haq organization had warned against illegal practices and provocative acts by the IDF in the village of Abu Deis. Al-Haq mentioned among those practices their daily presence near academic institutions, verbal abuse, throwing of sound and gas bombs, the use of rubber and live bullets, raids on houses and destruction of property, as well as the beating of children and youths. (Al-Tali'ah, 5 May 1994)

71. On 10 May 1994, the IDF withdrew at midnight from the Deir el-Balah refugee camp in the Gaza Strip, handing over control of the camp to the Palestinian police. (Ha'aretz, Jerusalem Post, 11 May 1994; also referred to in The Jerusalem Times, 13 May 1994)

72. On 12 May 1994, the IDF transferred five of its facilities in the Gaza Strip over to Palestinian control. Two camps in Rafah, the adjacent police station, an army base in Deir el-Balah and an outpost in Bureij were handed over to Palestinian representatives. A full transfer of power was not to be completed until the Palestinian Authority was established. (Jerusalem Post, 13 May 1994)

73. On 13 May 1994, the IDF withdrew formally from Jericho. (Ha'aretz, Jerusalem Post, 15 May 1994)

74. On 14 May 1994, the IDF pulled out of Gaza's sprawling Jabalia refugee camp early in the morning, in an unannounced move aimed at avoiding attacks by local gunmen eager to turn the withdrawal into a bloodbath. (Ha'aretz, Jerusalem Post, 15 May 1994)

75. On 17 May 1994, Israel formally transferred political power to the Palestinian Authority in the Gaza Strip. However, the IDF delayed its full evacuation pending the official establishment of the authority. Over 28 governmental departments that had handled 38 areas of civilian government were handed over in the transfer of power. (Ha'aretz, Jerusalem Post, 18 May 1994)

76. On 18 May 1994, the IDF completed its withdrawal from the area of Palestinian self-rule in the Gaza Strip. (Ha'aretz, Jerusalem Post, 19 May 1994; also referred to in Al-Tali'ah, 19 May 1994)

77. On 19 May 1994, Palestinian police chief, Gen. Nasser Yusef, stated that Israelis visiting the ancient synagogue in Jericho were no longer permitted to carry guns, thereby opening the way for the first important dispute over the interpretation of the Cairo Agreement. (Ha'aretz, Jerusalem Post, 20 May 1994)

78. On 21 May 1994, the IDF and the Palestinian police began conducting joint patrols on three east-west roads in the Gaza Strip. IDF soldiers and Palestinian policemen also set up new checkpoints on the main north-south road while motorists were asked to show identification papers and open the trunks of their cars. The IDF checked cars with Israeli licence plates while the Palestinian police examined cars with Gaza licence plates. (Ha'aretz, Jerusalem Post, 22 May 1994)

79. On 23 May 1994, a Gazan who had cooperated with the Israeli authorities reportedly surrendered himself to the Palestinian police, the first such move by a Palestinian. (Jerusalem Post, 26 May 1994; also referred to in The Jerusalem Times, 27 May 1994)

80. On 26 May 1994, it was reported that Jerusalem police chief Arye Amit had stated that uprising-related unrest had increased sharply in the capital in 1994. He indicated that the major contributing factor was the Hebron massacre, which had sparked off widespread unrest among Arabs in the city and had yet to subside. The number of uprising-related incidents, however, had begun to fall since the peak reached immediately after the massacre. (Jerusalem Post, 26 May 1994)

81. On 26 May 1994, a member of the Palestinian National Authority, Freih Abu Middein, is reported to have described the economic situation in the Gaza Strip as appalling. Abu Middein warned about an imminent threat of starvation in the Gaza Strip caused by the recent closure of the territories. The Israeli Government ordered the closure of the Strip as a result of the killing of two Israeli soldiers at the Erez checkpoint. (Al-Tali'ah, 26 May 1994; The Jerusalem Times, 27 May 1994)

82. On 27 May 1994, it was reported that four youths (a 19-year-old and three minors) from Jebel Mukaber (East Jerusalem) were arrested on suspicion of involvement in two stabbing attacks on Jews and of involvement in several stone-throwing and car-burning incidents in Jerusalem. They did not have previous criminal records. (Ha'aretz, Jerusalem Post, 27 May 1994)

83. On 27 May 1994, according to reporters who visited Jericho a week before, armed Jewish settlers moved around in total freedom in the city. Reporters also stated that there were joint Palestinian-Israeli patrols in Jericho and that the synagogue was guarded by Palestinian policemen. (The Jerusalem Times, 27 May 1994)

84. On 29 May 1994, Hamas distributed a leaflet in Gaza in which it promised to stop killing Palestinians allegedly cooperating with Israel if the police could do a better job of stopping the "collaborators". The leaflet indicated that "the movement has stopped killing collaborators for the time being, to give the Palestinian police an opportunity to fulfil its role". The implication was that the police should either arrest people Hamas considered collaborators or let

Hamas deal with them. The announcement was made two days after two Palestinians were found dead in Gaza City, with a note by Hamas on their bodies claiming responsibility for the killings. They were the first Palestinians murdered as "collaborators" since a one-month agreement concluded between Fatah and Hamas to suspend such killings expired on 22 May. (Ha'aretz, Jerusalem Post, 30 May 1994)

85. On 29 May 1994, Israeli Television reported that the Israeli Government intended to close down some Palestinian institutions around East Jerusalem. Israeli Police Minister, Moshe Shahal, also indicated that Israel would not allow Palestinian police units to be active in East Jerusalem to protect those institutions. (Al-Tali'ah, 2 June 1994; The Jerusalem Times, 3 June 1994)

86. On 31 May 1994, Defence Minister Oded Ben Ami told the Jerusalem Post that "All of the (Palestinian) institutions must be removed from Jerusalem and must be relocated in Jericho". According to Palestinian sources, the Israeli Telecommunications Department refused to provide the new offices of the Palestine Economic Council for Development and Reconstruction (PECDAR), located in East Jerusalem, with telephone lines. The Telecommunications Department indicated that the lines would be provided only if PECDAR moved its offices to Jericho. (Al-Tali'ah, 2 June 1994; The Jerusalem Times, 3 June 1994)

87. On 1 June 1994, Israeli media reportedly announced that tens of the right-wing groups in Israel had succeeded in seizing a number of Palestinian houses in East Jerusalem. They were reportedly supported by Jewish donors and were campaigning widely to inhabit the houses soon. The Deputy Mayor of Jerusalem, Shmuel Meir, announced: "All these houses were being bought legally and they are all located in Wadi Joz, Ras El Amoud and Sheikh Jarrah; all outside the Old City". At the same time, the Jerusalem municipality decided to demolish all the houses that were built "illegally" in East Jerusalem, whose number is estimated at 2,000. (The Jerusalem Times, 3 June 1994)

88. On 7 June 1994, the police, together with the GSS, arrested 12 suspected arms dealers who allegedly sold weapons to Arabs living in the territories. Six of the suspects were Israeli Arabs from Kalansuwa and Tira, five were residents of the northern West Bank, while one was from the Gaza Strip. (Ha'aretz, Jerusalem Post, 8 June 1994)

89. On 7 June 1994, a high-ranking army source stated that the number of Israeli policemen patrolling the territories was insufficient and that the burden of law enforcement fell on the army, which was ill-equipped to carry out such missions. A new police command, which was created as a result of the Oslo Accords and which would be responsible for Jewish residents in the territories, was taking too long to develop. (Jerusalem Post, 7 June 1994)

90. On 7 June 1994, the Palestine Human Rights Information Centre organized a demonstration to protest an appeal made by extreme right-wing Members of the Knesset (MKs) that the orders to demolish 240 Arab-owned homes in East Jerusalem be carried out. (The Jerusalem Times, 10 June 1994)

91. On 8 June 1994, a bill was passed during its preliminary reading that entitled victims of "terrorist" acts to receive the same benefits as war

casualties. Remembrance Day was extended to include victims of terrorism. (Jerusalem Post, 9 June 1994)

92. On 9 June 1994, the Israeli Supreme Court was to examine the petition filed by MK Awazi Landa concerning the 240 houses, owned by Palestinians that were threatened with demolition in East Jerusalem. (Al-Tali'ah, 9 June 1994)

93. On 10 June 1994, it was reported that the Palestinian police in the Gaza Strip had begun to arrest "collaborators". (Ha'aretz, 10 June 1994)

94. On 11 June 1994, the holder of the justice portfolio in the Palestinian self-rule authority stated that the Palestinian police in the Gaza Strip had detained 26 persons suspected of aiding Israel, including 2 women. (Jerusalem Post, 12 June 1994)

95. On 12 June 1994, it was reported that during the past months, an increasing number of residents of East Jerusalem had applied for Israeli citizenship. (Ha'aretz, 12 June 1994)

96. On 15 June 1994, during a Knesset press conference organized by Likud MK David Mena, two Palestinians from the territories, Mahmoud Ya'acub Diab, from Ramallah, and Na'aman Muhamad Sharkiyeh from Kfar Yamoun, complained that the Government was not doing enough to protect and provide for them, such as moving them to Israel, arming them and giving them jobs. They estimated the number of Palestinian collaborators at 7,000. During the same press conference, Likud MK David Mena called for the immediate release of 19 persons who were arrested by the Gaza police. (Ha'aretz, Jerusalem Post, 16 June 1994)

97. On 15 or 16 June 1994, for the first time, three bodies of Palestinians were returned by the IDF for reburial to their families after being exhumed. One of the bodies was that of a Palestinian gunman who was killed during a gun battle with IDF troops near Hebron in 1989. (Ha'aretz, 15 June 1994; Jerusalem Post, 16 June 1994; also referred to in The Jerusalem Times , 17 June 1994)

98. On 21 June 1994, at a Jerusalem press conference marking the issuing of one of its reports, the Association for Civil Rights in Israel came out strongly in favour of the Government's obligation to protect collaborators from revenge by the PLO in the wake of the autonomy agreement. (Jerusalem Post, 22 June 1994)

99. On 22 June 1994, in a rowdy debate, the Knesset overrode government opposition and approved in a preliminary reading a bill instructing the Minister of the Interior to grant permanent resident status to certain Palestinian informants. According to MK Zevulun Hammer, some 1,000 Palestinians were killed by their co-nationals during the six years of the uprising, based on the claim that they had collaborated with Israel. (Jerusalem Post, 23 June 1994)

100. On 22 June 1994, Chief of Staff Lt.-Gen. Ehud Barak informed the Knesset Foreign Affairs and Defence Committee that the number of attacks in the areas under autonomy, the administered territories, and inside Israel had dropped dramatically in the past four months, but that the decline might be temporary. Barak also stated that there were frequent incidents of Palestinian incursions

and theft across the Gaza border, which was "problematic". (Ha'aretz, Jerusalem Post, 23 June 1994)

101. On 24 June 1994, a new police district was formed for the West Bank because of the "new reality" created by the Gaza/Jericho accord. The district was established to better serve the residents of the territories and to facilitate police operations in view of the additional police responsibilities under the accord. There are currently 1,100 policemen in Gaza and the West Bank, with plans to double the size of the force. (Jerusalem Post, 26 June 1994)

102. On 26 June 1994, the Cabinet adopted the findings and recommendations of the Shamgar Commission's report on the Hebron massacre, which found that Baruch Goldstein alone was responsible for the murders of 29 Muslim worshippers at the Machpelah Cave. According to the 338-page report, despite the numerous operational deficiencies the Commission uncovered and even if the operations had worked according to plan, the 25 February massacre could not have been prevented. Both the military and political echelons were exonerated. The principal findings were the following: Baruch Goldstein acted alone in planning the massacre in advance and told no one of his plan beforehand; Palestinian testimony of army and Jewish help in the massacre was discounted as contradictory and inconsistent; no fragments were found that would support the testimony of survivors concerning a grenade explosion; the political leadership and security forces could not have been expected to predict such an attack. The principal recommendations were to ban Jewish settlers and off-duty soldiers from entering the Cave with weapons, to separate Jewish and Arab worshippers with barriers, separate entrances and different schedules; to create a special guard unit for the Cave, to modify open-fire orders to include Jewish settlers in extreme circumstances and to enforce the law equally for both Arabs and Jews. (Ha'aretz, Jerusalem Post, 27 June 1994)

103. On 27 June 1994, it was reported that steps to improve police operations at the Machpelah Cave and elsewhere in the territories had been taken in anticipation of the findings of the Shamgar report. The establishment of a new police district in the territories had been hastened by the massacre and a new Border Police unit had been trained specifically to guard the Machpelah Cave. (Jerusalem Post, 27 June 1994)

104. On 27 June 1994, it was reported that so far, the Israeli Government had paid damages to the families of five persons who were killed in the Machpelah Cave on 25 February 1994 and to 20 persons who had been injured. Some 30 additional requests were currently being considered by the Civil Administration. The rest of the victims had not yet presented claims for damages. According to the criteria established by Israel, the relatives of a single man who was killed were entitled to receive NIS 85,000. For victims who were married, with or without children, the amount would be between NIS 127,500 to 210,000 (with six or more children). For persons injured, Israel was paying between NIS 25,500 (for light injuries) to 210,000 (for serious injury of a father of six). (Ha'aretz, 27 June 1994)

105. On 28 June 1994, Prime Minister Yitzhak Rabin told the Knesset Foreign Affairs and Defence Committee that the Government had established a special authority, headed by former intelligence chief Shlomo Gazit, to deal with the

situation of Palestinian informants. He also stated that any informant who wanted to do so could move to Israel and obtain an identity card. However, many problems still existed in connection with the plan and it would not be possible to rehabilitate informants everywhere. (Jerusalem Post, 29 June 1994)

106. On 1 July 1994, Palestinian officials are reported to have rejected the final results of the inquiry conducted by the Shamgar Commission on the events surrounding the Hebron massacre that took place on 25 February 1994. (The Jerusalem Times, 1 July 1994)

107. On 1 July 1994, the United Nations Relief and Work Agency for Palestine Refugees in the Near East (UNRWA) issued a statement announcing that it would move its headquarters to the Gaza Strip from Vienna by the end of next year. UNRWA employs 8,000 Palestinians in Gaza, Jericho and the territories and is implementing projects worth $80 million. (Jerusalem Post, 3 July 1994; also referred to in The Jerusalem Times, 8 July 1994)

108. On 7 July 1994, it was reported that Amnesty International had criticized Israel in its annual report, alleging use of systematic torture and ill-treatment during interrogation, which included beatings, hooding with dirty sacks, sleep deprivation, solitary confinement and prolonged shackling to small chairs. The report also criticized Palestinian armed groups for engaging in torture and deliberate and arbitrary killings. The report stated that the number of armed attacks by Palestinians had increased and that 35 Israeli civilians, 25 members of the security force and over 100 Palestinian civilians had been killed. The report also cited the killing of 150 Palestinian civilians by the IDF, the arrest of some 13,000 Palestinians for security reasons, including 300 administrative detentions, and the fact that 15,300 Palestinians had been tried before military courts. Israel did receive positive comments, however, regarding its permitting many deportees to return and for cancelling the law forbidding contacts with the PLO. An IDF spokesman responded to the report by saying that Amnesty had ignored the situation in the field, especially with regard to armed gunmen. The Justice Ministry denied that Israel held prisoners of conscience or that torture was permitted. (Ha'aretz, Jerusalem Post, 7 July 1994)

109. On 8 July 1994, according to the Mandela Institute for Political Prisoners, which is based in Ramallah, 7,170 Palestinian prisoners were still detained in 20 Israeli prisons and detention camps. The Institute's monthly survey showed that there were at least 35 women prisoners and that the majority of prisoners were detained in military detention camps. (The Jerusalem Times, 8 July 1994)

110. On 13 July 1994, it was reported that the Jerusalem police had arrested 15 Palestinian youths from three different gangs who were suspected of throwing stones and bottles at Jews and IDF soldiers in the Old City of Jerusalem during the previous few months. The youths were aged 13 to 18 and more arrests were expected. (Ha'aretz; Jerusalem Post, 13 July 1994)

111. On 13 July 1994, it was reported that the debriefing carried out by the commander of the IDF forces in the West Bank, Maj.-Gen. Shaul Mofaz, concerning the circumstances of the death of Azzam Jamil Nasser, 18, from Beit Furik, who was shot during a clash with the army in Nablus on 24 or 25 June 1994, showed

that the soldiers who fired did not adhere to the open-fire regulations and fired although their life was not in danger. After receiving the results of the investigation, Maj.-Gen. Mofaz ordered that all units in the West Bank be informed about the rules for opening fire with live ammunition and rubber bullets. (Ha'aretz, 13 July 1994)

112. On 15 July 1994, the Palestinian negotiator, Khalil Tufakji, revealed that the Israeli authorities were planning to intensify the expansion of settlements in the Arab neighbourhoods of Jerusalem before the resumption of talks concerning the future of East Jerusalem. The plan, called "The Eastern Gate", is aimed at filling the northern area of Jerusalem with Israeli neighbourhoods. (The Jerusalem Times, 15 July 1994)

113. On 24 July 1994, it was reported that Colonel Shaul, the commander of an IDF unit in the Gaza Strip, was severely reprimanded for his responsibility in giving unclear orders to soldiers who shot to death a youth in the Bureij refugee camp, in February 1994. (Ha'aretz, 24 July 1994)

114. On 24 July 1994, senior army sources indicated that the IDF had reduced its forces in the Hebron region and elsewhere in the West Bank as compared with the forces deployed after the Machpelah Cave massacre. The cutback followed the army's assessment that the number of massive disturbances in the region had declined significantly, would continue to do so and that regular army soldiers needed to continue their training. However, the IDF also stated that it was prepared for possible attacks by Hamas or Jewish extremists. (Jerusalem Post, 25 July 1994)

115. On 25 July 1994, the head of the GSS presented figures that indicated a drastic drop in the number of uprising-related casualties and incidents since the implementation of autonomy in Gaza and Jericho. Eight Israelis were killed and 29 wounded in Israel and the territories during the months of May, June and July, as compared with 28 killed and 121 wounded during the preceding three months of February, March and April. The number of Palestinians killed since self-rule began decreased from 34 to 10. During the last three months, the number of violent incidents dropped from 480 to 60 inside the Green Line, from 22 to 6 in the Gaza District and from 98 to 33 in Jerusalem. (Jerusalem Post, 26 July 1994)

116. On 26 July 1994, in a videotaped message and a leaflet, Hamas offered to return the body of a missing soldier, Ilan Sa'adon, who was abducted in the Negev desert in May 1989 and presumed to have been killed by Hamas gunmen, in exchange for the release of several prisoners: the spiritual leader of Hamas, Sheikh Ahmed Yassin, as well as Sheikh Abdel-Karim Obeid and Sheikh Mustafa Dirani. (Ha'aretz, Jerusalem Post, 27 July 1994)

117. On 27 July 1994, Police Inspector-General Assaf Hefetz called on the Palestinian police to return to Israel Palestinians wanted by the Israeli authorities. He stated that Jericho and Gaza had become places of asylum for Palestinian criminals and terrorists, claiming that the Palestinian police had failed to live up to their commitment to help to apprehend "terrorists" fleeing into areas under their jurisdiction. Hefetz added that with regard to criminals, however, the Palestinian police was co-operating with the Israeli

authorities. Moreover, he indicated that the police force would be doubled in Hebron as part of an overall police redeployment in the territories. (Jerusalem Post, 28 July 1994)

118. On 28 July 1994, military sources indicated that an IDF investigation had determined that a Palestinian policeman had fired the shot that killed Border Policeman Jacques Attias during riots by Arab workers at the Erez checkpoint. The IDF has demanded that Palestinian policemen who fired at Israeli forces be put on trial. (Jerusalem Post, 29 July 1994)

119. On 1 August 1994, it was reported that a "terrorist" cell affiliated with the PLO and Hamas had lately been uncovered by the Jerusalem Police. The 11 members, aged between 16 to 25, were from the village of El-Zayim in the eastern part of Jerusalem, and would be charged for nine fire-bombings and dozens of stone-throwing incidents. (Ha'aretz, Jerusalem Post, 1 August 1994)

120. On 7 August 1994, the members of the Temporary International Presence in Hebron (TIPH) left the town after their three-month mandate had expired. The TIPH began functioning on 8 May 1994. During the previous three months, there had been a decrease in clashes, but an increase in hit-and-run shootings against Israelis, often outside Hebron. (Jerusalem Post, 7 and 8 August 1994)

121. On 10 August 1994, Danish officials and media indicated that the report presented by the TIPH stated that Israeli soldiers were hostile and uncooperative during the TIPH's four-month mission in the city. According to the report, the Israeli army was hostile towards the observers and was not willing to cooperate in a way that would enable them to carry out their duties. For example, the army restricted movement by imposing curfews without any military justification, thus limiting the observers' possibilities to observe the situation and report on it. (Jerusalem Post, 11 August 1994)

122. On 12 August 1994, Israeli police uncovered a Hamas cell described as one of the most dangerous by Police Minister Moshe Shahal. The police stated that this locally based Izz Al-din al-Qassam "terrorist" cell was responsible for the kidnapping and murder in April of Second Lieutenant Shahar Simani and another soldier. The cell was made up entirely of East Jerusalem residents. (Ha'aretz, Jerusalem Post, 14 August 1994)

123. On 14 August 1994, it was reported that 15 members of the Popular Front for the Liberation of Palestine (PFLP had been arrested in the area of Ramallah. Most of them were students of Bir Zeit University. (Ha'aretz, 14 August 1994)

124. On 16 August 1994, it was reported that according to the commander of IDF forces in Gush Katif (Gaza Strip), Maj.-Gen. Doron Almog, 39 shooting attacks reportedly all by Hamas activists, have been carried out against Israeli citizens and IDF forces since the Israeli army evacuated the Gaza Strip. (Ha'aretz, 16 August 1994)

125. On 17 August 1994, Foreign Minister Shimon Peres and PLO chief negotiator Nabil Shaath agreed to the deployment of 400 temporary international civilian observers in Gaza. A temporary presence in Gaza (similar to the TIPH) was

called for as part of the Israel-PLO accords of last September. (Jerusalem Post, 18 August 1994)

126. On 22 August 1994, security forces arrested 12 Islamic activists in the villages of Zawiya and Kabatiya near Jenin. Although none of the 12 was a fugitive, they were nevertheless brought in for questioning in connection with Islamic Jihad and Hamas activities. (Jerusalem Post, 23 August 1994)

127. On 24 August 1994, Itim reported that the security forces in the Jenin area had arrested three Fatah activists in addition to the arrest of 12 Hamas and Islamic Jihad activists announced by the army on 22 August. (Ha'aretz, Jerusalem Post, 24 August 1994)

128. On 24 August 1994, it was reported that the IDF had begun to evacuate an undisclosed number of outposts in populated areas throughout the northern West Bank (Samaria) and planned to proceed with what army sources termed as an "adjustment of deployment". The army source cited emphasized that the purpose was to remove IDF outposts from heavily populated Palestinian villages and small towns in order to avoid unnecessary friction. (Jerusalem Post, 24 August 1994)

129. On 25 August 1994, it was reported that security forces had captured the members of a Fatah "terrorist" cell suspected of killing nine persons and one Arab policeman. They were captured near the city of Kalkiliya. The cell members were from Tulkarm, Kalkiliya, Kaddum and Danaba. (Ha'aretz, Jerusalem Post, 25 August 1994)

130. On 26 August 1994, it was reported that the Palestinian police and the Palestinian Security Service had turned over to Israel four Palestinian youths who were involved in the murder of a Palestinian woman in Ramallah and who had escaped to Jericho. (Ha'aretz, 26 August 1994)

2. Incidents resulting from the occupation

Oral evidence

131. A witness provided the Special Committee with additional information concerning the killing of civilians:

> "After the signing of the Declaration of Principles, despite the limited redeployment of the Israeli army, still and unfortunately, I have to say, the number of Israeli army troops inside the Gaza Strip has increased, so much so that it is the highest figure since the beginning of the intifadah. They behave as if they are going to withdraw tomorrow, but at the same time they act as if they are going to stay there forever. Under that very dense presence of the Israeli army, the daily violations continue, the killings, the wounding. When I speak about injuries here, I do not speak about rubber bullets, but I speak about permanent handicaps, like people who go blind and lose their eyesight, or people who remain alive after serious injuries, but are however 'clinically dead'."
> (Mr. Mazen Gamil Shaqurah, witness no. 12, A/AC.145/RT.636)

132. A field worker of the Israeli human rights organization B'tselem described the situation with regard to the orders for opening fire:

> "The soldiers serving in the occupied territories did not apply the firing orders as provided by the Military Attorney-General, in collaboration with the Israeli Ministry of Justice. From the cases of martyrdom I personally investigated, it appears clearly that, contrary to the regulations, fire had been opened aiming at the upper part of the body. Most of the wounds and injuries I investigated showed that shooting had aimed at the head, neck or chest, resulting in death afterwards. It became clear to me also from my field investigations that sometimes the soldiers opened fire not with a view to wound, but with a view to kill.
>
> "The problem is that each soldier is working on his own. The Military Prosecutor-General authorizes the commanders to have certain terms of reference in case the life of the soldiers is exposed to danger, but these terms of reference do not indicate what is meant by 'threat to life' and the seriousness of the threat. When the soldier sees a youth escaping, he thinks that his life is in danger and he opens fire at his back. Opening fire at the back of a person means, in fact, that there is no danger to the life of the soldier." (Mr. Bassem Eid, witness no. 17, A/AC.145/RT.639)

133. The witness described to the Special Committee a particularly disquieting case concerning the use of plastic bullets:

> "I'll give you the example of a child, aged one year and a half, who was killed in the Jabalia camp. He was standing next to his father. An officer fired a plastic bullet, which killed the child at once. When we investigated the accident, we realized that the officer had fired at a distance of 30 metres, contrary to the orders that stipulate a distance of 70 metres at least for the firing of plastic bullets." (Mr. Bassem Eid, witness no. 17, A/AC.145/RT.639)

134. The same witness related the case of a young man who had been shot in the back:

> "Another incident occurred on 13 April 1994 at the Jalazun camp. A youth, Awadallah Hassan Indash, aged 23, was the victim. At about 4.30 in the afternoon of that day, two soldiers were posted on the roof of a house in the camp. When this youth came near them, they called him and asked him about his job. He said that he had parked his car and intended to go home. One of the two soldiers asked him where his house was and he pointed with his finger towards his house. The soldier told him to go. When he turned round to go home, the soldier fired a bullet at him, which hit him in the lower back, resulting in his immediate death." (Mr. Bassem Eid, witness no. 17, A/AC.145/RT.639)

135. An additional problem was the application of the rules for opening fire concerning vehicles:

> "Firing at cars has become a phenomenon, although there are special firing orders to aim at tyres. I have not seen a single case where the

bullets had hit the tyres, but many cases leading to the death of the person or persons inside the car ... I have with me the photo of a car driven by Palestinian citizens where you see that the Israeli soldiers opened fire aiming at the front of the car. This resulted in the immediate death of the driver. It means that there was an intention to kill him and not to wound him, because orders provide that the soldiers should aim at the tyres of cars only and not at the windshield." (Mr. Bassem Eid, witness no. 17, A/AC.145/RT.639)

136. A witness whose leg had been amputated and who testified before the Special Committee provided the following information:

"The dum-dum bullets are used, these hollow bullets that are prohibited internationally, but they are still used by the Israeli army. ... I was wounded by a dum-dum bullet. I was taken to Nasser Hospital in Gaza, but they could not do anything about my leg and it had to be amputated about six days after my injury." (Mr. Yousri Ismail Barbakh, witness no. 6, A/AC.145/RT.635)

137. Another witness described what happens to persons who had been arrested:

"When somebody wanted by the Israeli authorities is being arrested and lying down, he is still fired at. Evidence of that is the killing of Selim Wafi, who fell a martyr in the city of Rafah. He had just been arrested and was lying on the ground. They could have taken him in, but they opened fire and he died." (Mr. Mohamed Omar, witness no. 10, A/AC.145/RT.635)

138. One witness who testified before the Special Committee spoke about her disillusion after the signing of the Declaration of Principles, with particular reference to the activities of undercover units:

"After the signing of the Declaration of Principles, our situation as Palestinians has become worse than before in all aspects of life. The situation is very difficult. Life has become very difficult. There is no work for anyone. We cannot walk outside the houses at night. There is a curfew. During the day, the Israelis who are called the 'special forces' are disguised as Arabs. They walk in the streets like we do during the day and, all of a sudden, they take hold of someone. They beat them. They kill them. They take their cars. So, they take a car from anyone who has a car. They pull him out of the car and take the car. They drive that car and everyone thinks it is a Palestinian car. They can do whatever they want using that car. These are the worst of all in Israel, whether the military or the settlers. The special forces are the worst and they make our life hell." (Mrs. Soumaya Yaser Melhem, witness no. 21, A/AC.145/RT.642)

139. Another witness described the case of a person who was killed by an undercover unit:

"After the Declaration of Principles until 28 April 1994, 68 Palestinian citizens were killed in the Gaza Strip alone. Twenty-two of

them were under 18 years of age. Twenty-three of the 68 were killed by the special units. I will give you two examples of the work of these special units.

"The first example is that of Ahmad Abu Al Rish, 27 years, from Khan Younis. He was a member of the Fatah Hawks. He had been released by the Israeli military authorities and 15 days after his release he was killed by members of the special units dressed up in the traditional national Palestinian dress and using two Palestinian vehicles, two lorries transporting vegetables.

"The second example concerns the killing of six Palestinian citizens in the Jabalia camp. On 28 March, six people belonging to the Fatah leadership were murdered. They were not from the military branch. They were circulating a political leaflet when they were attacked by people in two cars, a Peugeot 404 and a Peugeot 504, who opened fire indiscriminately. The killing was deliberate and carried out in cold blood." (Mr. Ibrahim Khamis Shehada, witness no. 11, A/AC.145/RT.636)

140. A field researcher from the Palestine Human Rights Information Centre described the little regard for the life of Palestinian civilians shown by the Israeli soldiers who fired at wanted fugitives from the Mohammad Ali Mokhtasseb Children's Hospital in Hebron:

"The Israeli soldiers ordered three Arabs to go and search the building. One of the three Arabs was Mokhtar El Hai. So, they were ordered to search the building and they didn't find anything. While they were still in the building, the soldiers started firing bullets and rockets and, according to the three Arabs concerned (I met them later on and received their testimonies), they had to hide in the building for one hour while it was being fired at. Finally, Mokhtar put up a white flag out of the window, having torn a piece of clothing, and started shouting that they were still inside the building and that there were no suspects in the building. The soldiers then let them out. They asked him to take his clothes off when he came out of the building because they thought that he had surrendered. When he talked to the Israeli intelligence officer who had ordered him to go in, this same intelligence officer said that 'these soldiers are crazy because they thought you were the ones who were wanted'. This is how you can see that the life of an individual is not worth anything in the view of the occupation authority." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.640)

141. Testimonies relating to the incidents linked with the popular uprising may be found in documents A/AC.145/RT.635 (Mr. Yousri Ismail Barbakh), A/AC.145/RT.635 (Mr. Mohamed Omar), A/AC.145/RT.636 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.636 (Mr. Mazen Gamil Shaqurah), A/AC.145/RT.639 (Mr. Bassem Eid), A/AC.145/RT.640 (Mr. Mahmoud Jabarin) and A/AC.145/RT.642 (Mrs. Soumaya Yaser Melhem).

Written information

142. The following abbreviations of the names of newspapers are used in the tables:

H Ha'aretz
JP Jerusalem Post
AT Al-Tali'ah
JT The Jerusalem Times

(a) List of Palestinians killed by troops or Israeli civilians

Date	Name and age	Place of residence	Remarks and source
7 April 1994	Ali Taleb (Abdallah al-) Imawi, 19	Shati' refugee camp (Gaza Strip)	Shot dead by soldiers after he fired at Israelis at a bus stop in Ashdod. One Israeli man was killed. (H, JP, 8 April 1994)
7 April 1994	Name not reported, 15	Bala (or Balata refugee camp) (West Bank)	Threw stones at soldiers who fired back. Died on the way to hospital. (H, JP, 8 April 1994)
9 April 1994	Atef Juma Abed (or Obeid), 18 or 19	Sheikh Radwan neighbourhood (Gaza Strip)	Shot by soldiers after he threatened them with an axe at the Erez checkpoint. Was shot after soldiers called out to him to halt. (H, JP, 10 April 1994)
12 April 1994	Fatma Sami Abdallah, 18, pregnant	El-Jib (West Bank)	Fatally wounded in her home by a stray bullet fired by a settler who was shooting at stone-throwers. The settler was arrested. (H, JP, 13 April 1994, also referred to in AT, 14 April 1994, JT, 15 April 1994)
12 April 1994	Awad (Hassan) Tabash, 23	Jalazone refugee camp (West Bank)	Died in hospital after he was shot by soldiers when he threw stones at Israeli cars on the Ramallah-Nablus road. (H, JP, 13 April 1994)
15 April 1994	Nidal Tarawi, 38	Balata refugee camp	Died from inhaling tear-gas thrown at him by soldiers. (JT, 18 April 1994)
16 April 1994	Awad Nimer a-Matar (or Nahed Awda Matir), 19	Kalandia refugee camp (West Bank)	Died of wounds sustained on 15 April. Shot by the army after he threw stones at an IDF patrol in the refugee camp. (H, JP, 17 April 1994; also referred to in 21 April 1994)
20 April 1994	Yassin (Mahmoud) Hamad, 23	Kalandia refugee camp (or El-Bireh) (West Bank)	Died of wounds sustained on 19 April during a clash with soldiers. (H, JP, 21 April 1994; also referred to in AT, 21 April 1994)
21 April 1994	Hassan Firi (or Hassan Youssof Hassan el-Rafid), 24	Sajaiya neighbourhood (Gaza Strip)	Died of wounds sustained a day earlier, during a clash with soldiers. (H, JP, 22 April 1994)
23 April 1994	Mahmoud Touman, 17	Khan Younis refugee camp (Gaza Strip)	Shot dead by settlers after he had stabbed a woman in the Neve Dekalim settlement. (H, JP, 24 April 1994)
23 April 1994	Shafik (Maher Mahmoud) Ishawa (or Shawa), 11	Sajaiya neighbourhood (Gaza Strip)	Died of wounds sustained on 11 April, when he was shot by soldiers who were firing at stone-throwers. (H, JP, 24 April 1994)

Date	Name and age	Place of residence	Remarks and source
26 April 1994	Kamil Oridat (or Kamal) Hussein (Mahissan) Waridat, 35	Dahariye near Hebron (West Bank)	Shot dead by a soldier as he was crossing a square near a military checkpoint in Hebron. (According to other accounts, he reportedly pulled a knife or tried to stab a soldier. However, two Palestinian eyewitnesses maintained that he had not pulled a knife when he was shot and may even have been unarmed. Other witnesses stated that after the shooting, an officer came in a jeep, placed a knife beside the body and drove away. Military sources stated that the IDF was investigating the different accounts of the incident.) (H, JP, 27 April 1994; also referred to in JT, 29 April 1994)
9 May 1994	Ahmed Ibrahim Tabash, 13	Khan Younis refugee camp (Gaza Strip)	Initial reports indicated that he had been shot by soldiers who were responding to repeated incidents of stone-throwing in the area of Neve Dekalim. Arab sources, however, stated that he was shot by a settler when youths threw stones at tractors doing groundwork at the settlement. (JP, 10 May 1994; also referred to in JT, 13 May 1994)
17 May 1994	Bashar Zaban, 22	Nablus (West Bank)	Shot by a Bezeq security officer (or settler) after he had tried to snatch the officer's weapon. Died in hospital. (JP, 18 May 1994; also referred to in JT, 3 June 1994)
22 May 1994	Jihad (Ibrahim Mohammed) Asfur, 22	Abassan (Gaza Strip)	Islamic Jihad activist, on the wanted list. According to the IDF, he opened fire, together with his accomplices, and threw a grenade at soldiers who had tried to arrest fugitives in Hebron. As the pursuit went on and moved to Kafr Tufah, troops used anti-tank missiles to demolish the hide-out where the men had fled. (H, JP, 23 May 1994; also referred to in JT, 27 May 1994)
27 or 28 May 1994	Kamal Karani, 21	Kalkiliya (West Bank)	Shot during a car chase that began when a suspicious car refused to stop on the orders of civil guard volunteers. Karani was shot after the driver of the car had tried to run over one of the civil guards. Burglary equipment was reportedly found in the car. (JP, 29 May 1994)
30 May 1994	Mohammed Mer'i, 10	Jenin	Died in an explosion. (JT, 3 June 1994)
31 May 1994	Abdul Munem Hamid, 25	Am'ari refugee camp (West Bank)	Wanted for involvement in the murder of GSS officer Noam Cohen in February. Reportedly found with a loaded pistol.
"	Zuhair (Ramadan Rushdi) Farah, 28	A-Ram (East Jerusalem)	Killed by security forces in the village of A-Ram, near northern Jerusalem. No additional details were provided. Both men were Hamas fugitives. (H, JP, 1 June 1994; also referred to in JT, 3 June 1994)

Date	Name and age	Place of residence	Remarks and source
11 June 1994	Siham Sweity, 37	Kasser Ekeb (West Bank)	Bystander. Shot by soldiers during clashes. Died in hospital. According to witnesses, was hit when soldiers fired at protesters who were throwing stones at them in the Ramallah area. (H, JP, 12 June 1994; also referred to in JT, 16 June 1994)
25 June 1994	Azzam (Mahmud) Nasasrah, 18	Beit Furik/Beit Surith (West Bank)	Shot by soldiers during demonstrations demanding the release of more prisoners. Died in hospital. Investigation under way. (H, JP, 26 June 1994; also referred to in JT, 1 July 1994)
1 July 1994	Ayud Abu Snina, 31	Silwan (East Jerusalem)	Shot in the head near the Givat Shaul gas depot in Jerusalem. The Sword of David group took responsibility for the killing. Police are conducting an investigation into whether the killing was criminally motivated or committed by Jewish extremists. (H, JP, 3 July 1994; also referred to in JT, 8 July 1994)
11 July 1994	Ali Osman Muhammad (Hamed) Alassi, 30	Bani Hassan (West Bank)	Both were Hamas members wanted for over a year. The two had barricaded themselves in an apartment in Nablus and were killed in the ensuing exchange of fire with undercover units and the members of the GSS. Anti-tank missiles were fired at the building. The two were reportedly armed with revolvers and grenades. (H, JP, 12 July 1994; also referred to in JT, 15 July 1994; AT, 20 July 1994)
"	Bishar Al Amudi, 27	Nablus (West Bank)	
17 July 1994	Riyad Yassin, 27	Khan Younis (Gaza Strip)	Both were killed during riots at the Erez checkpoint. According to Palestinian sources, they were killed by army gunfire. (H, JP, 18 July 1994)
"	Yasser (as) Sultan, 25	Jabalia/Rafah refugee camp (Gaza Strip)	
22 July 1994	Ali Amour, 40	Yatta village	Died when a bomb left by Israeli soldiers exploded. (JT, 29 July 1994)
22 July 1994	Mahmoud Knein, 28 (or Mohammed Jabr, 25)	Nablus (West Bank)	Shot during riots when soldiers opened fire at a vehicle fleeing from the police. Investigation under way. (H, JP, 24 July 1994; also referred to in JT, 29 July 1994)
12 and 13 August 1994	Tarek Abu Arafa	East Jerusalem	Hamas cell member. Killed in a shoot-out with the police in the A-Ram neighbourhood of East Jerusalem. According to the police, the gunmen ignored calls to surrender and exchanged fire with police. (H, 15 August 1994; JP, 14, 15 August 1994; also referred to in JT, 19 August 1994)
16 August 1994	Ragheb Rafik Abadin, 22	Beit Hanina/A-Ram (East Jerusalem)	Died in hospital after he was critically wounded on 12 or 13 August in a shoot-out with the security forces in East Jerusalem. (H, 18 August 1994; JP, 15, 18 August 1994; also referred to in JT 19 August 1994) According to witnesses, Arafa and Abadin were not killed during the shoot-out as they did not fire at the Israeli forces but were rather killed "in cold blood". The IDF spokesman denied the allegations (H, 23 August 1994)

Date	Name and age	Place of residence	Remarks and source
17 August 1994	Iyad Hamed Abu Ghanem, 17	Rafah (Gaza Strip)	Shot by IDF soldiers when he tried to infiltrate the road on the Israel-Egypt border in the Rafah area. According to witnesses, did not endanger soldiers' lives and was not issued a warning before being shot. Palestinian and Israeli officials were conducting joint investigation. (H, 18, 21 August 1994; JP, 18 August 1994; also referred to in JT, 19 August 1994)
19 and 20 August 1994	Name not reported	Ramallah (West Bank)	Killed during disturbances in Ramallah, when the members of an undercover unit fired at residents who were throwing stones and bottles. (H, 21 August 1994)

(b) List of other Palestinians kilied as a result of the occupation

Date	Name and age	Place of residence	Remarks and source
2 April 1994	Khaled Halabi, 32	Khan Younis refugee camp (Gaza Strip)	Fatah Hawk. Blew himself up in the Khan Younis refugee camp while preparing a bomb. (JP, 3 April 1994)
2 April 1994	Fayez (al) Hindi, 45	Jabalia refugee camp (Gaza Strip)	Shot several times. (H, JP, 3 April 1994)
9 April 1994	Dib Otman Da'as, 55	Haja (West Bank)	Shot by two masked men. Had a gun. (H, JP, 10 April 1994)
13 April 1994	Amar Amarna, 21	Yabad (West Bank)	Died when he detonated a home-made pipe bomb strapped to his body in a suicide attack in Hadera in which five people were killed. (H, JP, 15 April 1994)
16 April 1994	Name not reported	Hirbet Aslad (West Bank)	Head of the village. Shot dead at home by two masked men. (H, 17 April 1994)
23 April 1994	Joudeh Abu Snineh, 32	Hebron (West Bank)	Shot dead by Palestinian gunmen. (H, JP, 24 April 1994)
27 May 1994	Hassam Darwish (or Hussan Doshan), 35	Gaza City (Gaza Strip)	Both were tortured. Both were found hanging from lamp posts. They were the first Palestinians murdered by Hamas as "collaborators" since a one-month agreement concluded between Fatah and Hamas to suspend such killings had expired on 22 May. (H, 29 May 1994; JP, 29, 30 May 1994)
"	Abdel Wahab Ghali or Radi, 31	"	
19 June 1994	Name not reported	Kalkiliya (West Bank)	Body found near the city. Possibly a criminal offender. Investigation under way. (H, 20 June 1994)
23 June 1994	Nasser (Ashak) Sallouha, 20 or 22	Sheikh Radwan neighbourhood (Gaza Strip)	Hamas activist. Suspected of being the victim of a possible revenge killing in retaliation for the murder of a collaborator. (H, JP, 24 June 1994, also referred to in JT, 1 July 1994)
28 June 1994	Mahmud Abu Salim	Balata refugee camp (West Bank)	Killed during a fight between alleged collaborators and residents of the camp. (H, 29 June 1994)
26 July 1994	Shamih Mahmoud Diab, 53	Ikhtaba (West Bank)	Arab police officer. Shot dead in an ambush in his village, as he returned from work. (H, JP, 27 July 1994)

(c) Other incidents

Written information

143. On 1 and 2 April 1994, a Fatah Hawk activist blew himself up in the Khan Younis refugee camp, while preparing a bomb (see list). A resident of the Jabalia refugee camp was murdered (see list), while his brother was injured by bullets for the same reasons. Between 10 and 20 Arab residents were wounded during incidents in the territories over the weekend. According to Palestinian sources, in the Gaza Strip, 11 persons were injured in the Nuseirat refugee camp, while four were injured in Gaza City. Clashes broke out in the Jabalia, Maghazi and Shati' refugee camps. In the West Bank, three persons were injured by IDF gunfire in Nablus and two were injured in Hebron. In Jericho, dozens of Palestinians pelted the police station with stones and bottles. Troops fired stun grenades. A resident of the Dugit settlement, in the northern Gaza Strip, escaped unharmed when five shots were fired at him as he left the settlement in his car. Police later blew up a car found near the site of the attack which they believed to be booby-trapped. An IDF soldier and a Border Policeman were wounded in two separate stone-throwing incidents in Kalkiliya and in the Jabalia refugee camp. An Israeli man was slightly wounded when he was stoned as he was passing through Al Jib, near Ramallah. (Ha'aretz, Jerusalem Post, 3 April 1994)

144. On 3 April 1994, two reserve soldiers and a Palestinian were slightly wounded when shots were fired at the army headquarters in Gaza City. Three assailants were caught during a swift operation. Palestinian sources reported that nine residents were injured during clashes with the army in Rafah, the Jabalia refugee camp, in Khan Younis and in the Shati' refugee camp. They also reported stone-throwing incidents in Gaza City. Incidents also took place in Ramallah and in Hebron, where two residents were wounded. (Ha'aretz, Jerusalem Post, 4 April 1994)

145. On 4 April 1994, even though the IDF began moving out of Deir el-Balah, Palestinian youths threw stones at the army with slingshots. Troops chased them, firing plastic bullets and tear-gas and wounding two Arabs. Stones were also thrown at soldiers in Jericho while they were evacuating the Civil Administration facilities in that city. (Ha'aretz, Jerusalem Post, 5 April 1994)

146. On 5 April 1994, Palestinian sources reported incidents in the Jabalia refugee camp, where three to six persons were injured. Four additional residents were reported wounded by IDF gunfire, one of them seriously, in the village of Beit Omar, after they had thrown stones at Israeli vehicles on the Jerusalem-Hebron road. Several vehicles were damaged. Similar incidents were reported in the Dheisheh refugee camp, but with no injuries. Stone-throwing incidents were also reported in Gaza City, in Ramallah and in Hebron. Minor unrest broke out in Jericho before the return of Palestinian deportees. According to Palestinian sources, three residents were wounded. In Hebron, Israeli soldiers shot and wounded three Palestinian students during clashes. (Ha'aretz, Jerusalem Post, 6 April 1994)

147. On 6 April 1994, seven persons were killed (Asher Attia, 48; Vered Mordechai, 13; Maya Elharar, 17 or 18; Ilana Schreiber, 41 or 45;

Meirav Ben-Moshe, 16; Ayala Vahaba, 40; and Fadiya Shalabi, 25) and 43 to 52 persons were wounded, several seriously, when a car bomb, apparently detonated by a suicide attacker, Raid (or Raed Abdullah Ahmed) Mohammed Zakarna, 21, from Kabatiya (West Bank). Zakarna was a wanted Hamas activist. Hamas claimed responsibility for the attack in reprisal for the Hebron mosque massacre (Hamas indicated that the man's name was Raed Mohammed Zaharneh, 21). The Islamic Jihad also claimed responsibility for the killing (also referred to in Al-Tali'ah, 7 April 1994; The Jerusalem Times, 15 April 1994). Six soldiers were slightly injured by a grenade thrown at an IDF unit in Gaza City. Soldiers fired back, but did not injure anyone. Stone-throwing incidents were reported throughout the territories, especially in Rafah and Jabalia, where two residents were reportedly injured. A Border Policeman was slightly wounded by stones in Rafah. A shot was fired at a police jeep near the Shati' refugee camp. There were no injuries or damage. Two petrol bombs were hurled at a building in Gaza City, without causing any harm. (Ha'aretz, Jerusalem Post, 7 April 1994; also referred to in The Jerusalem Times, 8, 15 April 1994)

148. On 7 April 1994, an Israeli man was killed (Yishai Gadassi, 31, from Kvutzat Yavne) and three or four other Israelis were wounded when a lone "terrorist" fired an automatic weapon at soldiers and civilians waiting at a bus stop at the Ashdod junction. The gunman was shot dead by soldiers (see list) (also referred to in The Jerusalem Times, 15 April 1994). Hamas and the Islamic Jihad both took responsibility for the attack. IDF soldiers shot and killed a youth who was throwing stones at them in the West Bank (see list). Clashes with the army during which 13 residents were injured were reported in the Gaza Strip (refugee camps of Jabalia, Rafah, Shati', Bureij, Maghazi and in Gaza City). One youth was wounded by IDF gunfire in Kabatiya during confrontations between Palestinian residents and IDF forces. Two Israelis were injured by knife-wielding attackers in two separate incidents at the Gaza border, near the Kissufim border crossing and near the Erez junction. An Israeli from the Emmanuel settlement suffered a concussion when his car overturned near Kalkiliya after it was stoned in Ramallah. Two Israelis were slightly wounded by stones. In Maaleh Levonah, an Egged company bus driver was moderately injured by glass fragments, after the bus he was driving was stoned. Two petrol bombs were thrown at an IDF patrol in Jericho; a third bomb was thrown in Ramallah. There were no injuries or damage. (Ha'aretz, Jerusalem Post, 8 April 1994)

149. On 8 and 9 April 1994, soldiers at the Erez checkpoint fatally shot a Palestinian youth after he had threatened them with an axe (see list). A person was shot dead by two masked men (see list). Palestinian sources reported many clashes in the territories during which some 10 residents were injured (Jabalia, Shati', Gaza City, Ramallah). Between 8 and 20 persons were wounded (gunshot wounds and tear-gas inhalation) in Hebron during a clash between the army and hundreds of Palestinians that took place near the bus carrying the visiting United States civil rights leader, the Rev. Jesse Jackson. Some of the stone-throwers used the bus as a shelter. An officer was struck in the head by a rock in the same incident. A young woman was stabbed and seriously wounded by an Arab in Jerusalem as she walked through a public park. Three petrol bombs were thrown at an IDF patrol in Hebron. There were no injuries or damage. (Ha'aretz, Jerusalem Post, 10 April 1994)

150. On 11 April 1994, soldiers shot and reportedly wounded two to four Palestinians who rioted in Hebron. Palestinian sources reported that three residents were also injured by IDF soldiers in Rafah, Khan Younis and in Jabalia. Two knife-wielding 15-year-old Arab girls attacked a soldier and a Border Policeman near the Western Wall in Jerusalem, but were detained before being able to inflict any wounds. In another stabbing attempt, a woman from Bethlehem pulled out a knife and lunged at a Border Policeman who was on duty at the Machpelah Cave. She was apprehended before she could cause any injury. (Ha'aretz, Jerusalem Post, 12 April 1994)

151. On 12 April 1994, a pregnant Palestinian woman was fatally wounded in her home north of Jerusalem by a stray bullet fired by a settler who was shooting at stone-throwers (see list) (also referred to in Al-Tali'ah, 14 April 1994; The Jerusalem Times, 15 April 1994). A Palestinian was killed by soldiers while he was throwing stones at cars on the Ramallah-Nablus road (see list). Another resident of the Jalazone refugee camp was injured by IDF shooting during the incident. (Ha'aretz, Jerusalem Post, 13 April 1994)

152. On 13 and 14 April 1994 (Remembrance Day and Independence Day), five or six persons were killed (Rahamim Mazgauker, 33 or 34; David Moyal, 26 or 27; Ari Perlmutter, 19; Daga Perda (or Taga Parada), 44; and Bilha Butin, 45 or 49). An additional 30 to 32 persons, including 18 soldiers and several children, were wounded in the suicide bomb attack on a crowded bus at the central bus station in Hadera on Remembrance Day. Police stated that a "terrorist", who had apparently boarded the bus at Hadera, detonated a home-made pipe bomb strapped to his body, near the rear door (see list). A second bomb was discovered on a bench near which the bus had stopped. Explosives experts were about to neutralize the device when it exploded. Fortunately it did not cause any additional injury. Hamas claimed responsibility for the attack and announced that the attack was the second in a series of five attacks that were planned to avenge the Hebron massacre (also referred to in The Jerusalem Times, 15 April 1994). Twenty-one Palestinians were reportedly injured during clashes with the army in the territories (refugee camps of Jabalia: 4; Khan Younis and Rafah: 2; Jericho: 5; Ramallah and Hebron: 9; Dahariya: 1). Five Israelis (in Jericho, Kalkiliya and el-Jib) and two soldiers (in Rafah) were slightly wounded by stones. An Arab from Jerusalem was stabbed by masked men who thought that he was Jewish. Also, in East Jerusalem, an Arab woman tried to stab a Border Policeman (also referred to in Al-Tali'ah, 14 April 1994). Shots were fired at an IDF patrol in Sheikh Radwan. Soldiers fired back. No one was injured. Additional shots were fired at an IDF unit north of Ramallah. There were no injuries. Six petrol bombs were thrown at IDF positions and patrols in the West Bank (Ramallah, Bethlehem, Bitunia, Abu Dis). There were no injuries or damage. (Ha'aretz, 15, 17 April 1994; Jerusalem Post, 15 April 1994)

153. On 15 and 16 April 1994, a stone-thrower from the West Bank died of his wounds in hospital, after he had been shot by soldiers a day earlier (see list). The head of the village Hirbet Asla was shot dead by two masked men at his home (see list). In Nablus, five residents were injured by IDF shooting during stone-throwing incidents. During processions to mark the anniversary of the killing of Abu Jihad in Tunis, several clashes erupted throughout the territories; one Border Policeman and three residents were slightly injured in

Bethlehem. A bomb exploded near an IDF patrol in the village of Samua, south of Hebron. There were no injuries or damage. (Ha'aretz, 17 April 1994)

154. On 18 April 1994, an axe-wielding Palestinian teenager went on a rampage in a crowded bus in Neve Yaacov, northern Jerusalem, wounding two passengers, before being shot and restrained by an army officer. Two other passengers were wounded by stray bullets fired by the soldier, including one of those who had already been wounded by the "terrorist". The Palestinian attacker also carried two fire-bombs. (Ha'aretz, Jerusalem Post, 19 April 1994)

155. On 19 April 1994, at least five to six youths were wounded, two of whom seriously, by army gunfire during disturbances in the Kalandia refugee camp. The youths were taking part in a memorial march in honour of a camp resident who was killed by soldiers several days earlier. They began throwing stones and fire-bombs at soldiers, who opened fire (also referred to in Al-Tali'ah, 21 April 1994). A petrol bomb was thrown at a bus transporting Israelis near the village of Habla, without causing injury or damage. (Ha'aretz, Jerusalem Post, 20 April 1994)

156. On 20 April 1994, a Palestinian resident died of wounds caused by IDF gunfire a day earlier (see list) (also referred to in Al-Tali'ah, 21 April 1994). In nearby Al-Bireh, youths threw stones at army vehicles in protest against his death. Several clashes were reported in the Gaza Strip, during which two residents were injured in Rafah. Two residents of Gush Katif were slightly wounded when shots were fired from a passing car as they drove along the Gaza-Khan Younis road. (Ha'aretz, Jerusalem Post, 21 April 1994)

157. On 20 April 1994, several stone-throwing incidents as well as the throwing of incendiary bottles at soldiers and settlers were reported in different parts of the occupied territories, particularly in Nablus and Gaza. One youth was arrested in Jenin for allegedly carrying two incendiary bottles. (Al-Tali'ah, 21 April 1994)

158. On 21 April 1994, Shahar Simani, 20, from Ashkelon, a soldier who had been missing since 20 April, was found stabbed to death near the Arab neighbourhood of Beit Hanina in northern Jerusalem. Hamas took responsibility for the killing. A resident of the Sajaiya neighbourhood of Gaza City died of wounds sustained a day earlier during clashes with soldiers (see list). Following the news of his death, severe clashes erupted in the Sajaiya neighbourhood and in Jabalia, during which 7 to 12 residents were reportedly injured by IDF shooting. Four additional residents were wounded during other clashes in Rafah, Khan Younis and in the Jabalia refugee camp. Two residents were injured by army fire in the West Bank. (Ha'aretz, Jerusalem Post, 22, 24 and 27 April 1994)

159. On 22 and 23 April 1994, two residents of Gaza infiltrated the Neve Dekalim settlement in Gush Katif and stabbed a young woman before being gunned down by settlers, who killed one of the attackers (see list) and wounded the other. An 11-year-old boy, who was shot by soldiers in Gaza on 11 April, died of his wounds at a local hospital (see list). In Hebron, a person was shot dead by Palestinian gunmen (see list). Palestinian sources stated that settlers had shot and critically wounded a 14-year-old Palestinian boy in the Bureij refugee camp. The sources stated that Palestinian youths might have previously thrown

stones at the settlers. An IDF soldier at an observation post in Nablus was shot in the neck and severely wounded. Following the attack, other soldiers spotted at least one assailant, returned fire and began pursuit. Army sources reported that one man was wounded by the soldiers' fire. Three residents were reportedly wounded clashes despite the curfew imposed on the city. In Jabalia, two Palestinian residents were injured during confrontations with the army. Stone-throwing incidents were reported in Ramallah, Nablus and Jenin. (Ha'aretz, Jerusalem Post, 24 April 1994)

160. On 24 April 1994, a resident of Kiryat Arba was stabbed while chasing stone-throwers near Beit Hadassah in Hebron. Also in Hebron a Palestinian youth was slightly injured by IDF shooting after he threw stones at an army patrol. Stone-throwing incidents in which three residents were injured were reported in Ramallah and in Nablus. Two Gazans attacked an Israeli man sitting in a café in the industrial zone near the Erez checkpoint at the entrance to the Gaza Strip, grabbed his pistol and fled. The two men were later arrested. (Ha'aretz, Jerusalem Post, 25 April 1994)

161. On 25 April 1994, Ahuva Cohen Onalla, 37, who was wounded in the 6 April suicide car bomb blast in Afula, died of her wounds. Her death raised the number of victims of the attack to eight. (Ha'aretz, Jerusalem Post, 26 April 1994)

162. On 26 April 1994, a soldier manning a military checkpoint in Hebron shot dead a Palestinian man who had allegedly pulled out a knife (see list). No soldiers were wounded in the incident. Angry Palestinians clashed with soldiers despite a curfew imposed on the centre of the town. One resident was reportedly wounded by a rubber bullet while another one was injured by being beaten. Isolated incidents were reported in the West Bank, especially stone-throwing incidents on the main roads. Palestinian sources reported clashes in the Gaza Strip (Gaza City, Bureij and in the Jabalia refugee camp) where four residents were wounded. (Ha'aretz, Jerusalem Post, 27 April 1994)

163. On 27 April 1994, an Arab resident of Jerusalem who is affiliated with Hamas stabbed two soldiers at the entrance to a busy shopping mall in Jerusalem before being chased and arrested. A Border Police officer shot and moderately wounded an Arab woman who had tried to stab him at a guard post in the Sajaiya neighbourhood of Gaza City. Palestinian sources reported several clashes in the territories. Four residents were injured in the Gaza Strip (Jabalia refugee camp: two; Rafah: two). IDF vehicles were stoned in the Gaza Strip. An Israeli woman was slightly injured by stones thrown at her car in the Nablus area. Other incidents were reported in the West Bank, but there were no injuries. Between one and five explosive devices and two hand-grenades were discovered in the village of Yabed, in the Jenin area. (Ha'aretz, 28 April 1994; Jerusalem Post, 28, 29 April 1994)

164. On 28 April 1994, two residents of the Jabalia refugee camp were injured by IDF shooting. Two additional Palestinian residents were wounded in Rafah during clashes. Incidents were also reported in Gaza City, in the Shati' refugee camp and in the Khan Younis area. An IDF soldier was slightly wounded in southern Hebron when a grenade he was holding in his hand exploded when it was hit by a stone. (Ha'aretz, 29 April 1994)

165. On 2 May 1994, gunmen opened fire at a military patrol near the perimeter fence of Ganei Tal in Gush Katif, seriously wounding one soldier and moderately wounding a second one. Two other soldiers were slightly injured when the driver, who was hit, lost control of the jeep and it turned over and plunged 10 metres down a sand dune. Several shots were fired at an IDF jeep in Rafah. No soldiers were hurt but a local resident was wounded when the soldiers returned fire. It was not clear if the man was involved in the attack. In Gaza City, a pipe bomb exploded after being thrown at an IDF position. (Ha'aretz, Jerusalem Post, 3 May 1994)

166. On 3 May 1994, gunmen attacked an army patrol close to the Green Line, near the Kissufim junction on the edge of the Gaza Strip, wounding one soldier. (Ha'aretz, Jerusalem Post, 4 May 1994)

167. On 4 May 1994, an IDF soldier was seriously injured by stones thrown at him in the village of Hawara in the West Bank. (Ha'aretz, 5 May 1994)

168. On 4 May 1994, clashes took place in Jericho between IDF soldiers and residents who were celebrating the signing of the Cairo Agreement. The IDF used rubber bullets and tear-gas canisters against stone-throwers, injuring three. (Al-Tali'ah, 5 May 1994)

169. On 6 and 7 May 1994, an American tourist was slightly wounded when he was stabbed by Palestinian youths near the village of Hussan, in the Bethlehem district. Palestinian sources reported that two residents were injured by IDF shooting in Ramallah; two additional persons were injured in Rafah. (Ha'aretz, 8 May 1994)

170. On 8 May 1994, clashes erupted in Hebron when youths stoned soldiers who responded with tear-gas as the 117 of the 160 members of the Temporary International Presence in Hebron moved into the town. In Jericho, youths stoned the police station. Soldiers fired back with stun grenades. Gaza sources reported that stone-throwing incidents took place in Rafah. (Ha'aretz, Jerusalem Post, 9 May 1994)

171. On 9 May 1994, a young resident of the Khan Younis refugee camp was shot and killed by a settler (see list) (also referred to in The Jerusalem Times, 13 May 1994). Up to 20 other Palestinians were reportedly wounded during the clashes. Young Palestinians threw stones at an army post and at IDF soldiers patrolling in Jericho despite visible signs of Israeli retreat. Soldiers responded by firing rubber bullets. (Ha'aretz, Jerusalem Post, 10 May 1994)

172. On 10 May 1994, three Israelis were wounded by gunshots fired at an Egged company bus travelling near the village of Mazra'a a-Sharkia, north of Beit El. A settler from Efrat suffered a head wound after being hit by stones while driving on the Jerusalem-Gush Etzion road, near the Dheisheh refugee camp. Several stone-throwing incidents were reported in Khan Younis, Gaza City and Ramallah. According to Palestinian sources, two residents were injured by IDF shooting (rubber bullets) in Khan Younis. (Ha'aretz, Jerusalem Post, 11 May 1994)

173. On 12 May 1994, an IDF soldier was wounded by friendly fire after an army outpost in the Jabalia refugee camp was fired at. One of the two assailants, who were reportedly members of Hamas, was wounded and captured but later managed to escape. An Israeli truck driver was shot and wounded near Morag, in Gush Katif. Four suspects were caught after a chase by soldiers through the streets of Rafah, just as control of the city was being handed over by the IDF to the Palestinian police. A Palestinian policeman and an IDF soldier were injured during stone-throwing incidents in Khan Younis. (Ha'aretz, Jerusalem Post, 13 May 1994)

174. On 16 May 1994, at least 15 Palestinians were wounded, up to 4 of them seriously, when students from Yeshivat Nir in Kiryat Arba opened fire at stone-throwing Palestinians near the Hebron mosque during prayers and soldiers intervened to end the clash. Most of the Palestinians injured in the clash were reportedly struck by the IDF. Three Border Policemen were also slightly injured by stone-throwers. A fight between yeshiva students and Arabs in the Muslim quarter of Jerusalem's Old City left an Arab man moderately injured, apparently by another Arab resident. During the fight, dozens of students and Arab residents exchanged blows and threw stones and bottles at each other. Border Police eventually arrived and separated the groups. (Ha'aretz, 17, 18 May 1994; Jerusalem Post, 17, 18 and 19 May 1994)

175. On 17 May 1994, two Israeli settlers, Rafael Yairi Klumfenberg, 36, of Kiryat Arba, and Margalit Ruth Shohat, 48, of Maaleh Levonah were killed while another settler was seriously wounded when their car was fired at by gunmen from a passing car near the settlement of Beit Haggai, south of Hebron. Hamas took responsibility for the attack (also referred to in Al-Tali'ah, 19 May 1994). A resident of Nablus was killed when a Bezeq security officer shot him after he had tried to snatch the officer's weapon (see list). (Ha'aretz, Jerusalem Post, 18 May 1994)

176. On 18 May 1994, hundreds of Palestinian youths began shouting slogans and throwing stones at Israeli troops as the IDF completed its withdrawal from Gaza City. Israeli troops fired tear-gas to disperse the demonstrators, while Palestinian police who were rushed in fired in the air. An Israeli settler from Netzarim was shot and wounded from a passing car on the Gaza City bypass road near his settlement, in the first "terror" attack in an autonomous Palestinian region. The IDF did not chase the car, which fled into the area of northern Gaza under Palestinian self-rule. According to other reports, the IDF briefly entered and launched searches in the Sajaiya neighbourhood of Gaza City. A number of shots were also fired at workers erecting a fence around a school near Kfar Darom. No injuries were reported. A Palestinian youth was slightly injured by a rubber bullet after he threw stones at an IDF patrol in Nablus. (Ha'aretz, Jerusalem Post, 19 May 1994)

177. On 20 and 21 May 1994, two IDF reserve soldiers, Staff Sgt. Moshe Bukra, 30, of Netanya, and Corporal Erez Ben-Baruch, 24, of Emek Hefer, were killed by automatic fire from a Palestinian car, as they were manning a roadblock 1 kilometre south of the Erez checkpoint in the Gaza Strip. A third soldier, who was uninjured, returned fire at the vehicle, which sped south into Beit Lahiya in the Palestinian-controlled section of the Gaza Strip. Reinforcements rushed to the site but refrained from pursuing the vehicle. Both Hamas and

Islamic Jihad claimed responsibility for the attack. In another attack near Morag, in the southern part of the Gaza Strip, two Israeli sanitation workers were slightly wounded by flying glass when shots were fired at their truck. Soldiers searched the area but did not enter the autonomous zone. In Hebron, two soldiers were slightly injured when a foot patrol was hit with a barrage of stones and bottles in a main square. An Arab youth stabbed and slightly injured an American tourist near Jerusalem's Old City. Arab youths also threw stones and bottles at a Border Police patrol near Herod's Gate (East Jerusalem). Police responded by firing rubber bullets. No injuries were reported. (Ha'aretz, Jerusalem Post, 22 May 1994)

178. On 22 May 1994, in a coordinated IDF and GSS operation in Hebron, one suspected "terrorist" was killed (see list) and two were captured when troops used anti-tank missiles to demolish their hide-out. A fourth suspect was believed still to be buried under the rubble. Stones were thrown and IDF soldiers fired rubber bullets during riots that erupted after the incident. A village resident and a Border Policeman were slightly injured (also referred to in The Jerusalem Times, 27 May 1994). In Ramallah, a resident was injured by a rubber bullet when he threw a stone at soldiers. Isolated stone-throwing incidents were also reported. In the Gaza Strip, settlers reported two incidents during which their vehicles were stoned near the Netzarim junction. (Ha'aretz, Jerusalem Post, 23 May 1994)

179. On 26 May 1994, an IDF soldier was slightly wounded when a patrol came under fire from Rafah, along the Egyptian border. Soldiers fired back without injuring the assailant. Palestinian policemen arrived on the scene and began an investigation into the incident. (Ha'aretz, Jerusalem Post, 27 May 1994)

180. On 27 and 28 May 1994, Izz Al-din al-Qassam, the armed wing of Hamas, took responsibility for murdering two Palestinians as alleged "collaborators", the first such murders since the expiry of an agreement reached with the Fatah to stop such killings (see list). One man from Kalkiliya was killed (see list) and another one slightly injured during a car chase that began when a suspicious car in Ramat Hasharon (within the Green Line) refused to stop on the orders of civil guard volunteers. A resident of the Neve Dekalim settlement in Gush Katif foiled an attack by three Palestinians carrying axes, and managed to drive them out of the settlement where an IDF patrol captured two of them. (Ha'aretz, Jerusalem Post, 29 May 1994)

181. On 30 May 1994, First Sgt. Shlomo Shitrit, 25, from Givat Ada, was killed, possibly by friendly fire, during an attack on an IDF observation post north of the Nahal Oz kibbutz, located on the border between Israel and the part of the Gaza Strip under the Palestinian Authority. The attackers fled into the Gaza Strip. Shots were reportedly fired at the homes of Kfar Darom residents from a Palestinian car passing the Gaza Strip settlement. There were no injuries or damage. (Ha'aretz, 31 May, 1 June 1994; Jerusalem Post, 31 May 1994)

182. On 31 May 1994, security forces killed two Hamas fugitives in the village of A-Ram north of Jerusalem (see list). Rioting broke out in the village immediately after the shooting and soldiers fired tear-gas canisters to disperse the crowd (also referred to in The Jerusalem Times, 3 June 1994). Two shooting attacks by Palestinian gunmen were reported, one at an IDF outpost near the area

of Nuria by gunmen from Khan Younis, and the second one in the Netzarim area. There were no injuries or damage in either case. A resident, apparently from the territories, tried to stab an Israeli who had picked him up in his car near Kibbutz Metzer, in the northern West Bank. The assailant managed to escape. (Ha'aretz, Jerusalem Post, 1 June 1994)

183. On 1 June 1994, soldiers shot and wounded an estimated 7 to 16 stone-throwing youths during severe clashes that erupted in Ramallah in response to the IDF's killing of two Hamas activists on 31 May in the village of A-Ram. Residents of Ramallah and Jerusalem also observed a strike to protest the killing of the two men. (Ha'aretz, Jerusalem Post, 2 June 1994; also referred to in Al-Tali'ah, 2 June 1994; The Jerusalem Times, 3 June 1994)

184. On 1 June 1994, stone-throwing incidents and the burning of tyres were reported in Hebron. No injuries were reported. Three Palestinian youths were arrested. Clashes were also reported between IDF soldiers and Palestinian women who were demonstrating following the killing of wanted youth Abdel Moneim Abu Hamid. (Al-Tali'ah, 2 June 1994)

185. On 2 June 1994, soldiers wounded two (or four) Palestinians as protests continued in Ramallah. Israeli Justice Minister David Liba'i was visiting a neighbouring locality. Palestinians threw stones and burned tyres in the vicinity. Border Police responded with tear-gas and rubber bullets. In Hebron, a Palestinian was wounded by IDF shooting after stones were thrown at Israeli cars. In A-Ram, two Israelis were slightly injured by stones thrown at a bus. A third Israeli was slightly wounded by stones near the village of Azaria, in the Tulkarm District. Near the Kiryat Arba settlement, a settler was in serious condition after being hit in the head by a stone thrown at his car. Another passenger was slightly injured during the incident. In the Gaza Strip, two incidents of stones being thrown at settlers' cars were reported in the area of Netzarim and Kfar Darom. (Ha'aretz, Jerusalem Post, 3 June 1994)

186. On 3 and 4 June 1994, six Palestinians were wounded near a Hebron checkpoint by the explosion of an IDF-issue grenade thrown by an unidentified assailant. In clashes following the explosion, 6 (or even as many as 30) Arabs were wounded by rubber bullets while three soldiers and a Border Policeman were injured by stones. Also during the clashes with the soldiers, 30 passengers suffered from gas inhalation after their bus was hit by a tear-gas grenade. Palestinian sources reported that two Arab residents were injured during clashes with the army in Ramallah. In the Gaza Strip, an Israeli soldier was wounded by stones near the settlement of Netzarim and shots were fired at an IDF patrol in the Beit Hanoun area. No injuries were reported. According to the settlers from Kfar Darom, shots were fired at a car from the settlement. No injuries or damage were reported in that incident either. (Ha'aretz, Jerusalem Post, 5 June 1994)

187. On 5 June 1994, four (or five) Palestinians and an IDF soldier were slightly injured as disturbances continued in Hebron. Palestinian youths threw stones and the IDF responded by firing rubber bullets. Stones were also thrown at soldiers in Ramallah. Two Israelis (a civilian and a soldier) were slightly injured by stones. Four Palestinians were reportedly injured during the dispersal of the stone throwers with tear gas and rubber bullets. According to

local sources, a 13-year-old boy was also injured during the clashes. An Israeli soldier was slightly injured by a stone thrown during an incident between settlers from Netzarim and students from the Islamic University in the Gaza Strip. Two pipe bombs exploded during the night near the vegetable market in Hebron. A Palestinian vehicle was damaged. Two additional petrol bombs were found during searches. In the West Bank, several settlers' vehicles were stoned. There were no injuries or damage. (Ha'aretz, Jerusalem Post, 6 June 1994)

188. On 7 June 1994, soldiers shot and wounded two residents in the area of the Rafah refugee camp after they had thrown stones at an IDF patrol. The patrol chased them into the autonomous area and opened fire. Palestinian sources also reported that shots were fired at another army patrol in the Gaza Strip. (Ha'aretz, 8, 9 June 1994)

189. On 8 June 1994, gunmen shot from passing cars at an IDF outpost near the settlement of Kfar Darom in the Gaza Strip. There were no injuries or damage. Soldiers fired back. In the West Bank, several stone-throwing incidents concerning army vehicles were reported in Ramallah, Nablus and Hebron. There were no injuries. (Ha'aretz, 9 June 1994)

190. On 8 June 1994, a general strike was staged throughout the occupied territories in solidarity with the Palestinian prisoners who were being held in Israel. (The Jerusalem Times, 10 June 1994)

191. On 9 June 1994, a knife-wielding youth from East Jerusalem seriously wounded a soldier at the Givat Ram campus of Hebrew University in Jerusalem before being captured by university guards. Between two and five residents were injured in Hebron during clashes with the army. In Ramallah, Nablus and the surrounding villages, stone-throwing incidents, which did not result in injuries, were reported. In the Gaza Strip, two settlers' vehicles were stoned in the area of Gush Katif. (Ha'aretz, Jerusalem Post, 10 June 1994)

192. On 10 and 11 June 1994, soldiers shot and killed a Palestinian woman who was shopping during clashes in Ramallah (see list). The woman was apparently hit when soldiers fired at protesters who were throwing stones. According to Palestinian sources, another resident was also injured during the incident. Other clashes, which caused two injuries, were also reported in Ramallah and Hebron. Three home-made bombs exploded in a Muslim cemetery in Hebron. No injuries were reported. A fourth bomb was discovered and neutralized by the army. In the Gaza Strip, gunmen fired at an IDF jeep patrolling near Khan Younis. Soldiers returned fire at the source of the shots. Two injured Palestinians subsequently arrived at the Khan Younis hospital. It was not clear whether they were involved in the shooting. Demonstrations were held in Nablus, Khan Younis and Gaza City calling for the release of all Palestinian prisoners. (Ha'aretz, Jerusalem Post, 12 June 1994; also referred to in Al-Tali'ah, 16 June 1994)

193. On 12 June 1994, a Palestinian youth who was seriously wounded by gunfire arrived at the hospital in Hebron. According to local sources, the man was injured during disturbances, in the course of which settlers also fired weapons. Palestinian sources reported that a resident was slightly injured by IDF

shooting in the Ramallah area. Stones and empty bottles were thrown at IDF vehicles in the areas of Ramallah, Nablus and Hebron. In Gush Katif, in the Gaza Strip, stone-throwing incidents concerning settlers' vehicles were reported. Several shots were fired at an IDF outpost located to the west of the Atara settlement in the northern Gaza Strip. The assailants fled into the area under Palestinian self-rule although the Israeli army chased after them. (Ha'aretz, Jerusalem Post, 13 June 1994)

194. On 13 June 1994, two Palestinians were injured during demonstrations in Nablus. Palestinian sources reported incidents in Ramallah during which two residents were wounded by IDF gunfire. Empty bottles and stones were thrown at army patrols in Hebron and in Nablus. Stone-throwing incidents were also reported in the areas of Gush Katif and Kfar Darom. (Ha'aretz, 14 June 1994)

195. On 14 June 1994, Izz Al-din al-Qassam, the armed wing of Hamas, fired at two Israeli military vehicles in Hebron, slightly wounding a soldier. Stone-throwing incidents involving Israeli vehicles were reported in Ramallah, Hebron and Nablus. A Palestinian was wounded by IDF shooting in Ramallah during one of the incidents. Two settlers' vehicles were stoned in Kfar Darom and in Gush Katif, in the Gaza Strip. (Ha'aretz, Jerusalem Post, 15 June 1994)

196. On 16 June 1994, several clashes between soldiers and the residents of the territories were reported during which four Palestinians were injured. (Ha'aretz, 17 June 1994)

197. On 17 and 18 June 1994, Jewish bus passengers accosted an Arab who they believed was carrying a knife on a bus line in northern Jerusalem. While the passengers held the youth, the driver drove the bus directly to the police station where it was discovered that a passenger had mistaken a cigarette lighter the youth was carrying as a small pistol. The youth, who had been slightly injured by the passengers, was subsequently released. A Border Police patrol in Jerusalem foiled an attack by a Palestinian woman. The woman, who was acting suspiciously, was halted by the patrol just outside the Damascus Gate. The police searched her and found a large kitchen knife in her possession. At the Migdálim settlement, near Nablus, soldiers foiled another attack by a 17-year-old Arab youth from a nearby village who was carrying an axe. In Hebron, three Palestinians were injured during heavy clashes with soldiers. After the Friday afternoon prayers, dozens of residents gathered in the centre of Hebron and began to throw stones and metal objects at soldiers and Border Policemen who then opened fire in return. Additional stone-throwing incidents were reported in Ramallah and Nablus. Two residents of Ramallah were reportedly injured by IDF shooting. Three explosive devices went off near the Green Mosque in Hebron. There were no injuries or damage. (Ha'aretz, 19, 20 June 1994; Jerusalem Post, 19 June 1994)

198. On 19 June 1994, the body of a resident of Kalkiliya was found (see list). A car tried to run over two Border Policemen in Bethlehem. The policemen were not hurt and opened fire. Their shots hit the vehicle, but no one was injured. A stone-throwing incident was reported in Ramallah during which a young Palestinian was slightly injured. (Ha'aretz, 20, 21 June 1994; Jerusalem Post, 21 June 1994)

199. On 20 June 1994, two Palestinians were injured in Ramallah. (Ha'aretz, 21 June 1994)

200. On 22 June 1994, soldiers opened fire with tear-gas and rubber bullets in response to protesting students who streamed out of Al-Najah University in Nablus and began throwing stones at the soldiers. The students were holding a sit-in in solidarity with Palestinian prisoners. Palestinian sources indicated that 7 or 12 persons were injured by IDF shooting, while the IDF reported 9 injuries (also referred to in Al-Tali'ah, 23 June 1994). Palestinian sources reported two stone-throwing incidents concerning settlers' cars in the Gaza Strip. There were no injuries or damage. A petrol bomb was thrown at an Israeli car at the entrance to the Alphei Menashe settlement, without causing any injuries or damage. Another petrol bomb was thrown in Dahariya. Two IDF soldiers were slightly injured while patrolling in the casbah in Nablus, when an explosive device went off. Another bomb was found and neutralized during the ensuing searches. (Ha'aretz, 23, 24 June 1994; Jerusalem Post, 23 June 1994)

201. On 23 June 1994, Gaza police found the bullet-riddled body of a Hamas activist (see list) who had been kidnapped earlier from his home. Several stone-throwing incidents were reported in the West Bank, with five injuries (Ramallah: three; Nablus: two), and in the Gaza Strip, in the areas of Kfar Darom and Gush Katif. (Ha'aretz, Jerusalem Post, 24 June 1994)

202. On 24 and 25 June 1994, soldiers shot and killed a Palestinian youth (see list) in Nablus during demonstrations demanding the release of more prisoners. Scores of youths took to the streets, chanting demands that the remaining prisoners in Israeli jails be released (also referred to in The Jerusalem Times, 1 July 1994). There were also reports of clashes between youths throwing stones and the army in Hebron. Two residents were reportedly injured there, while three were injured in Ramallah. A soldier was lightly wounded in Hebron when Palestinian demonstrators stoned an army patrol. In the Gaza Strip, a heated argument between soldiers and the Palestinian police erupted into a brawl over who should detain a Palestinian boy caught throwing stones at the Israelis. Eventually, the Palestinian police took the boy away for questioning. (ha'aretz, Jerusalem Post, 26 June 1994)

203. On 27 June 1994, Palestinian sources reported that two residents of Ramallah were injured by rubber bullets during clashes with the army. Incidents were also reported in Nablus, Hebron and Bethlehem, where stones were thrown at military and civilian Israeli vehicles. Settlers' vehicles were stoned in the Gaza Strip, in Gush Katif and Kfar Darom. There were no injuries. (Ha'aretz, 28 June 1994)

204. On 28 June 1994, a man was killed in the Balata refugee camp (see list), while another person was badly injured and several other residents slightly wounded in the incident. An Arab stabbed and seriously wounded a Jewish man who was repairing a car in the Neve Yaacov neighbourhood of Jerusalem, before fleeing in the direction of a nearby Arab village. Clashes erupted in Ramallah, Hebron and Bethlehem; four residents were reportedly injured by rubber bullets fired by the army. (Ha'aretz, Jerusalem Post, 29 June 1994)

205. On 29 June 1994, an IDF soldier was injured by a stone while patrolling in the Jenin area. Stone-throwing incidents were reported in the West Bank. According to Palestinian sources, one resident was injured in Hebron while three were wounded in Nablus and Ramallah. Several shots were fired at an IDF patrol in Hebron. There were no injuries or damage. Stones were thrown by Palestinians at joint Israeli-Palestinian patrols in Gush Katif. (Ha'aretz, 30 June 1994)

206. On 30 June 1994, two IDF soldiers were wounded near Khan Younis, one moderately, the other slightly, by gunmen who opened fire from a passing car. Three residents of the territories were reportedly injured by IDF shooting. Several stone-throwing incidents took place in the West Bank, in Gush Katif and in Kfar Darom, but resulted in no injuries. (Ha'aretz, Jerusalem Post, 1 July 1994)

207. On 1 and 2 July 1994, the body of an Arab man (see list) who had been shot in the head was found near the Givat Shaul gas depot in Jerusalem. An extremist Jewish group, called the Sword of David, took responsibility for the killing. An Israeli and his wife were stabbed in their home in the southern West Bank town of Kiryat Netafim. The Islamic Jihad claimed responsibility for the attack. The man had sustained serious multiple stab wounds. In the nearby settlement of Karnei Shomron a bomb was discovered at a bus stop and was subsequently neutralized. Dozens of Border Policemen went on a rampage through the Augusta Victoria Hospital in East Jerusalem after receiving information that armed gunmen were there. The officers reportedly broke doors and windows and even entered an operating room. No gunmen were found. (Ha'aretz, Jerusalem Post, 3 July 1994; also referred to in The Jerusalem Times, 8 July 1994)

208. On 2 July 1994, hundreds of Jewish protesters went on an all-night rampage through Jerusalem's Old City, damaging Arab property until just before the dawn of 3 July 1994. Stores were damaged and vandalized, at least one car was set on fire and over a dozen cars were damaged. Four police officers were injured. Thousands of persons took part in the rioting. Several rioters entered a bakery, smashed the glass refrigerator doors and stole money from the cash register. Several Arab-owned cars were damaged in the Prophets' Street while one car was set on fire as protesters streamed into the Old City. (Ha'aretz, Jerusalem Post, 4 July 1994; also referred to in The Jerusalem Times, 8 July 1994)

209. On 4 July 1994, a resident of Ramallah was reportedly injured by a rubber bullet during a clash with the army. In Hebron, a Border Policeman was slightly wounded by a stone. Additional stone-throwing incidents were reported in Hebron, Nablus, Ramallah and in the Bethlehem area, but none gave rise to injuries. A settler's vehicle was stoned in the Kfar Darom area of the Gaza Strip. (Ha'aretz, 5 July 1994)

210. On 6 July 1994, several clashes during which a resident of Ramallah was injured by a rubber bullet were reported in the territories. Stone-throwing incidents were reported in Nablus and Hebron, resulting in injuries. (Ha'aretz, 7 July 1994)

211. On 7 July 1994, Sarit Prigal, a 17-year-old Israeli girl, was shot to death by armed gunmen near the entrance to the Kiryat Arba settlement. The armed gunmen opened fire from a passing car. Her father and her brother were also wounded in the attack. In a separate incident, the body of a 20-year-old soldier, Aryeh Frankenthal, from Moshav Gizmo, near Lod, was found near the Arab village of Kafr Akab, near Ramallah. There were stab and gunshot wounds on his body. He had left his military base on 6 July and was supposed to have returned the same day. It would appear that he was given a ride by the gunmen, who later killed him and then dumped his body near Ramallah. An explosive device went off near the police station in Bethlehem, damaging several cars but causing no injuries. A second bomb was deactivated without causing any harm. (Jerusalem Post, 8, 10 July 1994)

212. On 11 July 1994, following months of searches, undercover army units and GSS agents killed two wanted members of Hamas (see list). Late on 10 July, undercover soldiers surrounded the gunmen's hide-out in a home located in the casbah section of Nablus. According to Palestinian sources, security forces had called on the men to surrender and the forces opened fire on the house just before dawn on 11 July 1994. (Jerusalem Post, 12 July 1994; also referred to in The Jerusalem Times, 15 July 1994; Al-Tali'ah, 20 July 1994)

213. On 12 July 1994, a man from Beersheba was slightly wounded when the car he was driving was fired at by armed gunmen on the Kissufim-Khan Yunis road, east of Deir el-Balah. The gunmen then used a vehicle that was parked nearby to flee the scene of the attack. (Ha'aretz, Jerusalem Post, 13 July 1994)

214. On 14 July 1994, Palestinian gunmen fired at an Israeli vehicle north-east of Rafiah, slightly injuring one Israeli man. Palestinian sources reported an incident in Ramallah, during which a resident was injured by a rubber bullet. A Border Policeman was slightly wounded by a stone in Hebron. (Ha'aretz, Jerusalem Post, 15 July 1994)

215. On 17 July 1994, two Palestinians were killed (see list), 75 (or up to 90) were wounded, and 18 (or as many as 30) IDF soldiers and Border Policemen were wounded, one of them critically, in a large-scale riot that erupted when thousands of Palestinian labourers broke through Palestinian police checkpoints and stormed toward the Erez checkpoint on the border with Israel. Rioting began at 1 a.m. when hundreds of Palestinians who did not have valid work permits joined those who did and charged through four Palestinian police checkpoints. The rioters were then caught for more than 10 hours between the Palestinian policemen who were chasing them and IDF soldiers and Border Police who were trying to stem the flow of rioters. At around 2 a.m., hundreds of Palestinians gathered near the gas station at the Erez checkpoint where they set fire to 152 parked Egged company buses, to the gas station itself and to a cement factory. They also looted the bus depot and threw stones and fire-bombs at soldiers. The small group of soldiers and policemen were unable to stop the rioters and retreated. Additional Palestinian policemen then arrived and began shooting indiscriminately. Israeli soldiers returned fire and a shoot-out ensued that lasted well into the morning. The Israeli army contended that an arsenal of weapons had been stored nearby in advance by Hamas or other anti-PLO organizations in order to capitalize on the economic distress of Palestinians who rely on work permits to enter Israel. Rioting also broke out in Hebron,

Ramallah and Nablus after news of the Erez checkpoint riots had reached local residents. Minor injuries were reported. Near Yatir, south of Hebron, soldiers shot and slightly wounded an Arab man who refused to stop his car for identification. Two attempted attacks against the IDF by armed gunmen occurred near Khan Younis in the Gaza Strip. Gunmen fired twice at IDF vehicles travelling along the road that links Gush Katif to IDF roadblocks. No one was hurt in either incident. (Ha'aretz, Jerusalem Post 18 July 1994; also referred to in The Jerusalem Times, 22 July 1994; Al-Tali'ah, 27 July 1994)

216. On 19 July 1994, IDF Lt. Guy Ovadia was fatally wounded in an ambush near Rafiah. Ovadia was approaching a fence that surrounds the southern part of the Gaza Strip when shots were fired at him from houses in the Tel Sultan neighbourhood of Rafiah, hitting him twice in the head. The gunmen subsequently fled into the Salah A-Din mosque in Rafiah. Hamas took responsibility for the attack. Two residents of Ramallah were injured during clashes with the army. Stones were thrown at IDF vehicles in the centre of Hebron. A Border Policeman and a Palestinian resident were slightly injured during the incident. Soldiers fired back. A female tourist was slightly injured in Bethlehem while standing near an IDF outpost that was being stoned. (Ha'aretz, Jerusalem Post, 20 July 1994)

217. On 20 July 1994, Palestinians attacked with stones an Israeli man from the Talmon Bet settlement. The man was driving from Talmon to Jerusalem when he took a wrong turn near Ramallah and found himself under a barrage of stones. Two Palestinians rescued him and took him in their car to the Ramallah police station. The Israeli's car was torched. Two Palestinians were injured by rubber bullets during clashes in the Hebron area. (Ha'aretz, Jerusalem Post, 21 July 1994)

218. On 22 and 23 July 1994, soldiers fatally shot a Palestinian man in Nablus (see list). An IDF soldier was wounded near the Morag settlement in the Gaza Strip when Palestinian gunmen ambushed an IDF patrol (also referred to in The Jerusalem Times, 29 July 1994). In Bethlehem, up to four Border Policemen were slightly injured by stones thrown by Arab youths. Border Policemen responded with rubber bullets and tear-gas. A Jewish boy was slightly wounded in Hebron by one of the four bombs that the army said went off in the area. The boy was playing in a park when the bomb, which was thrown from the street, blew up near him. Palestinian sources reported that 20 Palestinians were wounded in serious clashes with soldiers in the West Bank (Nablus, Ramallah, Hebron), while the IDF reported only 12 injuries. An American woman was stabbed in the back and slightly wounded in Jerusalem's Old City. (Ha'aretz, Jerusalem Post, 24 July 1994)

219. On 22 July 1994, a Palestinian man was killed (see list) when a bomb left by Israeli soldiers near one of their firing ranges south of the city of Hebron exploded. His 12-year-old son, Saber Amour, was also injured during the incident. Another 15 Palestinians were reportedly injured during confrontations with Israeli soldiers in Hebron. (The Jerusalem Times, 29 July 1994)

220. On 24 July 1994, several clashes were reported in the West Bank. Two residents were wounded in Hebron. (Ha'aretz, 25 July 1994)

221. On 25 July 1994, Sgt.-Maj. Jacques Attias, 24, a Border Policeman who suffered severe head wounds from shots fired by Palestinian policemen during the Erez checkpoint riots on 17 July, died from his injuries. (Ha'aretz, Jerusalem Post, 26 July 1994)

222. On 26 July 1994, an Arab police officer was shot dead (see list) in an ambush in his village in the northern West Bank, as he returned from work. Palestinian sources reported that two residents were injured by rubber bullets in Hebron and that stone-throwing incidents took place in Ramallah, where two other persons were wounded. Stones were also thrown in Bethlehem and in the Kfar Darom area in the Gaza Strip. (Ha'aretz, Jerusalem Post, 27 July 1994)

223. On 28 July 1994, a powerful bomb was discovered near an IDF observation point in Hebron, next to the Machpelah Cave. It was detonated by police explosives experts without causing harm. A Jewish motorist was rescued from a stone-throwing mob in Ramallah by an Arab shopkeeper and several local residents, who sheltered him while he called the Border Police. One Border Policeman was slightly wounded by a stone thrown at him during the incident. (Ha'aretz, Jerusalem Post, 29 July 1994)

224. On 29 and 30 July 1994, a couple and their child were slightly wounded during a stone-throwing incident north of Ramallah, near the settlement of Ma'aleh Lavona. Fourteen (or 18) Palestinians were slightly wounded during riots in Ramallah. The incident began when an IDF patrol was stoned in the town. Some 200 Palestinians gathered and threw stones, bottles and bricks at the soldiers. Similar disturbances were reported in Hebron. Stones were thrown at IDF vehicles in Gush Katif. (Ha'aretz, Jerusalem Post, 31 July 1994)

225. On 1 August 1994, an Israeli Border Policeman was slightly injured at the Erez checkpoint when he tried to stop a suspicious vehicle from the territories. (Ha'aretz, 3 August 1994)

226. On 2 August 1994, Yoram Sakuri, from the Kiryat Netafim settlement, who was stabbed by armed Palestinians in his home on 1 July 1994, died from his injuries. A soldier was slightly wounded by shots fired during an attack on a truck carrying soldiers near Ottniel, on the Hebron-Beersheba road. The gunmen managed to escape. (Ha'aretz, Jerusalem Post, 3 August 1994)

227. On 3 August 1994, an IDF soldier was hit by shots fired from a passing car used by "terrorists" in the Jordan Rift Valley, near Moshav Shadmot Mehola on the Beit She'an-Jericho road. The car used by the "terrorists" fled towards Jericho. In a similar incident, shots were fired from a passing car at an army jeep on the outskirts of Hebron. A soldier in the jeep was slightly wounded. (Ha'aretz, Jerusalem Post, 5 August 1994)

228. On 5 and 6 August 1994, gunmen opened fire at an Israeli minibus travelling near the Netzarim settlement, in the Gaza Strip, riddling the vehicle with bullets but causing no injuries. The driver was reportedly slightly hurt. (Jerusalem Post, 7 August 1994)

229. On 8 August 1994, several shots were fired at an IDF patrol in the area of Beit Hanoun, near the Gaza border, inside the Green Line. No one was injured. (Ha'aretz, 9 August 1994)

230. On 12 and 13 August 1994, the member of a Hamas cell was killed (see list) and another critically wounded during a shoot-out in Jerusalem's A-Ram neighbourhood. Both men had escaped an earlier confrontation with police in which a third gang member was wounded. A fourth man managed to escape. Two policemen and a civil guard volunteer were wounded in the first encounter with the gunmen, just outside the Old City (also referred to in The Jerusalem Times, 19 August 1994). A soldier was slightly wounded by stones thrown at him in Hebron. Stone-throwing incidents were reported in the territories; two Palestinians were injured by rubber bullets in Hebron and Ramallah. Palestinian sources reported that several residents were injured by tear-gas inhalation in the area of Nablus. A petrol bomb was thrown at a bus near the Kissufim junction, slightly injuring two Israeli passengers. (Ha'aretz, 14, 15 August 1994; Jerusalem Post, 14, 18 August 1994)

231. On 14 August 1994, an Israeli citizen was killed, two were seriously wounded, and three (or four) others slightly injured in two shooting attacks against vehicles near the Kissufim junction in the Gaza Strip. Ron Soval, 18, from Lehavim, north of Beersheba, was killed during the second attack. In both cases, army units pursued the assailants into the autonomous zone, stopping at the Deir el-Balah refugee camp perimeter. Palestinian police units are reported to have subsequently searched for the "terrorists". Izz Al-din al-Qassam, the military wing of Hamas, claimed responsibility for both ambushes. (Ha'aretz, Jerusalem Post, 15 August 1994)

232. On 15 August 1994, three IDF soldiers were slightly injured when an explosive charge was thrown at their patrol in the Bethlehem area. Two additional charges were found during searches. Several incidents were reported in the territories during which two residents were wounded by rubber bullets, in Ramallah and in Hebron. (Ha'aretz, 16 August 1994)

233. On 16 August 1994, the Hamas member who had been critically wounded by the security forces in northern Jerusalem died in hospital (see list). A Palestinian woman was seriously wounded when the bus she was riding on was fired at by "terrorists" near Bethlehem. The bus, which carried only Arab passengers, may have been mistaken for an Israeli bus. (Ha'aretz, Jerusalem Post, 17, 18 August 1994)

234. On 17 August 1994, IDF soldiers killed a Palestinian youth as he attempted to infiltrate the road on the Israel-Egypt border in the Rafah area (see list). (Ha'aretz, Jerusalem Post, 18 August 1994; also referred to in The Jerusalem Times, 19 August 1994)

235. On 18 August 1994, two Palestinian residents and a Border Policeman were slightly injured in Hebron during disturbances. Stone-throwing incidents regarding Israeli vehicles were reported in the Ramallah area, in Hebron and at the entrance to Jewish settlements in the West Bank. Two petrol bombs were thrown in the area of Bidiya. No injuries were reported. (Ha'aretz, Jerusalem Post, 19 August 1994)

236. On 19 and 20 August 1994, an undercover unit killed an Arab resident (see list) during a violent clash in Ramallah. Another resident was badly injured while five additional residents and a Border Policeman were slightly wounded during the same incident. Palestinian sources reported additional clashes over the weekend in Ramallah (one injury), Hebron (two injuries), Bethlehem (one injury) and Nablus. Stones were thrown at military and settlers' vehicles in Gush Katif and the West Bank. (Ha'aretz, 21 August 1994)

237. On 21 August 1994, a young Israeli girl was slightly injured when a stone was thrown at an Israeli bus in Jericho. In Hebron, a soldier was also slightly injured by a stone thrown at his vehicle. In the Gaza Strip, stones were thrown at joint Israeli-Palestinian patrols. No one was injured. (Ha'aretz, 22 August 1994)

238. On 22 August 1994, two residents were injured by IDF shooting during clashes in Ramallah. Incidents were also reported in Hebron, Jenin and the Bethlehem area. According to Palestinian sources, two youths from Khan Younis were wounded by IDF fire near the Neve Dekalim settlement. (Ha'aretz, 23, 24 August 1994)

239. On 23 August 1994, four soldiers were slightly wounded when a hand-grenade, apparently thrown by a Palestinian, exploded in a ammunition tent at Bethlehem brigade headquarters. Three Arab residents were injured during clashes in Hebron and Ramallah. Stones were thrown in the Gaza Strip, in particular at joint Israeli-Palestinian patrols. (Ha'aretz, Jerusalem Post, 24 August 1994)

240. On 24 August 1994, an immigrant who had arrived from the United States three weeks before, sustained slight injuries after armed gunmen disguised as Jews allegedly tried to kidnap him near the Efrat settlement, when he was hitchhiking. Several incidents during which four Palestinian residents were injured were reported in Hebron and in the Ramallah area. (Ha'aretz, Jerusalem Post, 25 August 1994)

241. On 25 August 1994, four (or seven) Palestinians were shot and wounded by army gunfire during disturbances in Nablus. The incident reportedly began when members of an army undercover unit chased a youth who had been throwing stones at Israeli cars. Dozens of other youths gathered and began to throw stones and vegetables. The soldiers threw sound grenades and reportedly fired live ammunition at the crowd. Disturbances continued until later in the day. Clashes were also reported in Ramallah and Hebron, where a Border Policeman was slightly injured by a stone. Stones were thrown in the area of Gush Katif in the Gaza Strip at settlers' vehicles and joint Israeli-Palestinian patrols. (Ha'aretz, Jerusalem Post, 26 August 1994)

242. On 25 August 1994, Arab residents threw stones at an Israeli undercover unit that had stormed the market in Nablus. Six Palestinians were wounded during the incident. (The Jerusalem Times, 2 September 1994)

243. On 26 and 27 August 1994, Hamas took responsibility for the murder of two Jewish workers, Shlomo Kapach, 22 or 23, from Holon, and Gil Revah, 21, from Bat Yam, whose throats were slashed at a construction site in Ramle. These were the first "terrorist" murders committed inside the Green Line since the

implementation of autonomy in May 1994. Palestinian sources stated that IDF soldiers shot and wounded two (or up to six) local residents during clashes in Hebron. More than 400 Palestinians began throwing stones at Israeli undercover units discovered inside and near the market in central Hebron. The soldiers opened fire and the stone-throwers fled. A Border Policeman was slightly wounded during the incident. Another policeman was slightly wounded in Bethlehem. Three explosive devices went off in Hebron without causing any injuries or damage. A bomb was discovered near Kiryat Arba. (Ha'aretz, Jerusalem Post, 28 August 1994)

B. Administration of justice, including the right to a fair trial

1. Palestinian population

Oral evidence

244. A witness who testified before the Special Committee spoke about the administration of justice in the occupied territories after the signing of the Declaration of Principles:

> "So, what exactly is the fate of those military orders during the transitional period? They have reached an agreement now that the military orders concerning the five domains of responsibility mentioned above are to be handed over to the Palestinians, that all military orders in that respect will be cancelled. Those represent only about 100 out of a total of 1,000 military orders ... As for the remaining military orders, a committee is going to be constituted made up of Palestinians and Israelis, in order to review all military orders.
>
> "Regarding the question of the military courts, as of mid-April 1994, those are no longer used in the Gaza Strip, but they have been transferred to the area called Erez, or the entrance to the northern sector. It is a military checkpoint; it is at the northern entrance of the Gaza Strip. Work in those courts will begin as of the beginning of May."
> (Mr. Mazen Gamil Shaqurah, witness no. 12, A/AC.145/RT.636)

245. The Director-General of the Land and Water Establishment for Studies and Legal Services described to the Special Committee the problems faced by Palestinian lawyers in Israeli military courts and the double standards applied in the treatment of Palestinian and Israeli lawyers:

> "The problem now regarding these confiscations is the one we face in the military courts in order to prove them. Let me give you an idea about my own experience ... in the Israeli military courts. True, I do not feel that I am a lawyer in those military courts. I cannot remember that, even by way of common courtesy, anything I requested was ever approved by those courts. But, what is requested by the attorney representing the State of Israel or the lawyer speaking on behalf of the guardian of the property of Israel is always approved. We cannot postpone a session or defer it without getting the approval of the other lawyer. It is not just

the judge. And I have never felt that justice was upheld. On many occasions, if I do not attend a session or if I am a bit late in attending the session, I am made to pay a fine and the case is dismissed. I remember - and this is also documented - that on very many occasions, I had gone to attend a court session and the lawyer representing the State of Israel did not attend and he was not fined. On the contrary, we are requested to wait for him until he arrives, even if he is very late, even if we wait throughout the whole day. I am not allowed to leave. Even if he is five hours late, I still have to wait for him until he arrives. That gives the impression that the authorities and the judiciary are one instrument and one body and that the military appeal courts are just a cover in order to confer legitimacy to the acts of confiscation. Despite that, despite that conviction, we still work in order to convince people to utilize their legal rights to have legal counsel. Although we are convinced that this justice is not just, we address ourselves to the court and we go through the procedure for the purpose of educating people and teaching them how to use legal means and how to use courts in order to find solutions to their problems." (Mr. Khader Shkirat, witness no. 15, A/AC.145/RT.638)

246. The same witness informed the Special Committee about the functioning of the military appeal courts and the success of Palestinian lawyers in limiting the confiscation of Arab-owned land in the occupied territories:

"The military appeal courts are formed according to military law 172 and are composed of three judges. One of those judges only must be a lawyer and the other two could be soldiers! We don't really know whether that one judge who is supposed to be a lawyer is one or not. Not even on matters of form do they commit themselves and I cannot remember that even once during the four years I have been working with those military appeal courts, the court was actually made up of the three judges requested. It was always made up of one person only. In order to give it some sort of a legal form, sometimes the lawyer is asked - and I have been asked myself - whether he wants the court to be made up of one judge or of three judges. If I say that I want three judges to be on the court, the judge would claim that he is not obliged to bring three judges on the committee in order to consider a case. So, almost always, there is one judge. During that period of four years, I do not recall that I have won one single case, not even as a matter of form. And I am not the only one, I am speaking on behalf of most of the lawyers. All I can say is that we are trying to limit confiscations. Sometimes, we are able to limit the confiscation to half of the area. But, according to their calculations, when they require 100 dunums for their purposes, they declare a confiscation of 1,000 dunums. During the legal procedure, they then cede 50 dunums in order to give the impression that there is justice and that it is useful to address oneself to this judiciary." (Mr. Khader Shkirat, witness no. 15, A/AC.145/RT.638)

247. A witness who testified before the Special Committee perceived the administration of justice with regard to Palestinians and settlers in the following manner:

"If an Arab commits an act against security - as they say - he can be sentenced for years, but if a settler kills a Palestinian, he is sentenced to two weeks or a month. This is the proof also that justice does not exist and that the law is not implemented, except on one of the two parties." (anonymous witness no. 19, A/AC.145/RT.639/Add.1)

248. A field researcher from the Palestine Human Rights Information Centre provided the Special Committee with a specific example of leniency towards settlers in the administration of justice:

"As another example, I can say that even the Israeli courts are not impartial. As a proof of that, in the case of Talal Rushdie El Bakri (who was killed, as I said before), the settler who killed him in cold blood was sentenced in April to 11 months of prison, for killing someone and wounding two other persons!

"Unfortunately, the Israeli Government does not shoulder its responsibility in protecting the Palestinian citizens. On the contrary, it tries only to protect the Israeli settlers." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.640).

249. Accounts of the administration of justice in the occupied territories may be found in documents A/AC.145/RT.636 (Mr. Mazen Gamil Shaqurah), A/AC.145/RT.638 (Mr. Khader Shkirat), A/AC.145/RT.639/Add.1 (anonymous witness) and A/AC.145/RT.640 (Mr. Mahmoud Jabarin).

Written information

250. On 11 April 1994, the Ramallah Military Court sentenced Abir Wahidi, from Ramallah, to 17 years' imprisonment for belonging to the Fatah cell that had killed Tzi Kalian 18 months earlier. (Ha'aretz, Jerusalem Post, 13 April 1994)

251. On 15 April 1994, the Ramallah Military Court is reported to have sentenced Asrar Samrin, 22, to life imprisonment; and Mousa Quar'an, 25, Ali Shabaneh, 27, and Raed Barghouti, 27, to 28, 5 and 4 years' imprisonment, respectively. They were all arrested on 5 August 1992 and were accused of belonging to a Fatah cell. (The Jerusalem Times, 15 April 1994)

252. On 18 April 1994, it was reported that 26 illegal workers from the territories who had been caught in the Negev District (Beersheba, Arad, Ofakim, Netivot, Eilat and the Bedouin sector) were sentenced from one to five months' imprisonment by the Beersheba Magistrates Court for illegal entry into the country and illegally staying in Israel. In addition, the detainees were all sentenced to pay fines of between $330 to $1,330. (Jerusalem Post, 18 April 1994)

253. On 20 April 1993, it was reported that some of the Hamas and Islamic Jihad activists who were arrested during the vast IDF operation were placed under administrative detention for three or six months. (Ha'aretz, 20 April 1994)

254. On 26 April 1994, two men charged with assisting the "terrorists" who had murdered Ramleh residents David Dedi and Haim Weizman in December 1993 were both

sentenced to 12 years in prison by the Tel Aviv District Court. Ibrahim Elabid, 27, of Ramleh, was convicted on charges of leading the "terrorists" to Dedi's apartment and hiding them afterwards. Ahsan Mahmud Wadi, 20, of Khan Younis, was convicted on charges of giving the "terrorists" money on behalf of the Red Eagles to carry out the murders. (Jerusalem Post, 27 April 1994)

255. On 27 April 1994, three Arabs from Khan Younis who were sent to Israel to kill Jews as an "admission test" to the Fatah Hawks were sentenced to prison sentences ranging from 17 to 20 years by the Tel Aviv District Court. Salame Barbah, 20, Matzbah Barba, 25, and a 17-year-old were convicted of the attempted murder of Avraham Shifrut, 65, on the Bat Yam beach in January 1994. Salame Barbah was sentenced to 20 years and his co-defendants were sentenced to 17 years' imprisonment. (Jerusalem Post, 28 April 1994)

256. On 19 May 1994, Salah Mujedad, 28, from Burka in the Gaza Strip, was sentenced to life imprisonment by the Tel Aviv District Court for the murder of Yisrael Tanenbaum, 73, in Netanya in June 1993. (Jerusalem Post, 20 May 1994)

257. On 27 May 1994, it was reported that hundreds of files of Palestinians who had been arrested by the IDF before their withdrawal from the Gaza Strip, and who were supposed to be judged by the military courts there, would be transferred partly to the IDF and would be handled partly by the Palestinian police. (Ha'aretz, 27 May 1994)

258. On 30 May 1994, Hazam Shabir, 20, and Atiya Abu Mussa, 23, from Khan Younis, were sentenced to life imprisonment by the Tel Aviv District Court for axing to death Isaac Rotenberg at a Petah Tikva construction site, as an initiation rite into the Fatah Hawks. (Jerusalem Post, 31 May 1994)

259. On 1 June 1994, 'Uda Abd al-Rahman, 20, from Hebron, was sentenced by the Tel Aviv District Court to 14 years' imprisonment for the attempted murder of Uri Shambi, from Moshav Pedia, on 20 February 1994. (Ha'aretz, 2 June 1994)

260. On 5 June 1994, it was reported that the Tel Aviv District Court sentenced Ahmed Assufi, 24, from Rafah, to 13 years' imprisonment, after a plea bargain with the defence, for the attempted murder of Shalom Shatwi in Rishon Letzion on 3 October 1990. (Ha'aretz, 5 June 1994)

261. On 9 June 1994, the family of Mohammed Ayoub, from the territories, who was killed by IDF gunfire five years earlier, was awarded about $17,500 in damages by the Jerusalem District Court. The judge ordered the State to pay damages for the income Ayoub would have earned for his parents. (Ha'aretz, Jerusalem Post, 10 June 1994)

262. On 14 June 1994, 12 residents of Deir el-Balah filed a suit against the Government and the army for not doing enough to protect their property from hostile settlers after the killing of Rabbi Shimon Biran from Kfar Darom on 27 May 1992. The suit alleged that settlers had set fire to Arab-owned greenhouses, crops and equipment in Deir El-Balah over a period of eight days, and that the army did nothing to prevent them. The lawsuit alleged that the army had placed Deir el-Balah under curfew for eight days but enforced the curfew only against Arabs, leaving Jews free to enter the city and wreak havoc.

/...

The 12 were asking the Jerusalem District Court to award them about $526,300 in compensation for the damage caused. (Ha'aretz, Jerusalem Post, 15 June 1994)

263. On 22 June 1994, the Nablus Military Court sentenced a Fatah supporter, Abed Shadid, 24, to 10 life terms for killing eight Arab residents on suspicion that they were collaborators with Israel or had committed moral violations. Shadid, a resident of Alar (near Nablus) was also convicted of participation in three incidents of shooting at IDF patrols. He confessed to all the crimes. (Jerusalem Post, 23 June 1994)

264. On 23 June 1994, Madhad Barbah, 19, from Khan Younis, who killed farmer Moshe Becker from Ness Ziona in January, was sentenced to life imprisonment by the Tel Aviv District Court. Becker, who was unarmed at the time, was hacked with a saw and stabbed 15 times by Barbah and two other accomplices. (Jerusalem Post, 24 June 1994)

265. On 27 June 1994, the Jerusalem District Court sentenced a 15-year-old Palestinian youth from Jerusalem to six months of imprisonment for throwing stones at vehicles on 25 February 1994. (Ha'aretz, 28 June 1994)

266. On 3 July 1994, a 15-year-old Palestinian from Hawarra village in the West Bank was sentenced by the Nablus Military Court to 15 months in prison for throwing stones at IDF forces. (Ha'aretz, 5 July 1994)

267. On 6 July 1994, a Palestinian man, Ibrahim Abu Ghali, was convicted on weapons charges and sentenced by the Tel Aviv District Court to three years in prison and two years' probation for passing stolen weapons to Salim Ma'ufi, a gunman wanted by the Israeli security services. (Jerusalem Post, 7 July 1994)

268. On 6 July 1994, the Nablus Military Court sentenced Sa'id Fa'id Dayy ib Rubba, 20, from Kfar Hajja in the Nablus area, to life imprisonment plus 25 years for killing and kidnapping residents of the territories whom he suspected of collaboration with the Israeli authorities. (Ha'aretz, 7 July 1994)

269. On 10 July 1994, it was reported that the Jenin Military Court had sentenced Majed Ali Dalah Khatib, 32, from the village of Yamoun in the northern West Bank, to one year's imprisonment plus two years' probation over five years, after he was convicted of not telling the Israeli authorities about the intention of the perpetrator of the suicide attack in Hadera on 13 April 1994 that caused the death of five Israelis to carry out that attack. (Ha'aretz, 10 July 1994)

270. On 27 July 1994, the Ramallah Military Court sentenced three cousins, Said, Nazar and Ahmed Temini, from Nebi Sallah, to life imprisonment for the murder of Haim Mizrahi, a resident of Beit El, on 29 October 1994. All three were members of a Fatah gang. (Ha'aretz, Jerusalem Post, 28 July 1994)

271. On 4 August 1994, it was reported that, following an appeal lodged with the High Court of Justice, Hani Muzhir from Gaza was finally allowed to meet his lawyer. Muzhir, a student at Bir Zeit University in the West Bank, was arrested three weeks earlier and taken to Ramallah prison. He was then denied access to

a lawyer by an order and reportedly tried to kill himself by cutting his wrists. (Ha'aretz, 1, 4 August 1994)

272. On 8 August 1994, the Haifa Magistrates Court sentenced Mehmed Ahmed Abd al-Razek, 27, from Tubas, and Dabes Mahmoud Khamaisa, 22, from Yamoun, to 60 days' imprisonment and a two-month suspended sentence for illegally entering and staying in Israel. (Ha'aretz, 9 August 1994)

273. On 23 August 1994, the High Court of Justice ruled that Mohammed Abu Grara, from Rafah, who was suspected of being a collaborator, but who in fact was not, could not be given refuge in Israel. Government Attorney Shai Nitzan indicated that, while Israel did grant residency permits to many genuine collaborators, this was done not just because their lives were in danger, but because the country owed them a genuine debt. (Jerusalem Post, 24 August 1994)

274. On 24 August 1994, a Palestinian collaborator from the Jenin area petitioned the High Court of Justice, demanding that Israel grant him a residency permit and help him obtain a job and housing. According to his attorney, despite repeated promises, the GSS had refused to help and protect him. The petition argued that because of his past services to the State, the State owed the petitioner the assistance he was requesting. (Ha'aretz, Jerusalem Post, 25 August 1994)

275. On 25 August 1994, it was reported that Obeidiyya, a Bedouin settlement near Bethlehem, had petitioned the High Court of Justice to have its running water restored after its supply was disrupted more than three months earlier. Obeidiyya residents insisted that the Civil Administration has ensured that pumps were installed to bring water to the Jewish settlements, but not to the Arab ones located on higher ground. The Civil Administration spokeswoman, Maj. Elise Shazar, stated that there had been no discrimination, since many villages, including Jewish settlements, had suffered from water problems last summer. (Jerusalem Post, 25 August 1994)

276. On 26 August 1994, it was reported that the trial of the Islamic leader Abdel Aziz Rantisi had been postponed for the sixth time. Rantisi was the spokesman for the 415 Palestinians Israel had deported to southern Lebanon in December 1992. He was placed under administrative detention as soon as he came back in December 1993. According to Israeli sources, the trial was postponed because three witnesses for the prosecution were absent. Rantisi is accused of membership in the Hamas movement and of incitement against Israel while in exile. (The Jerusalem Times, 26 August 1994)

2. Israelis

Written information

277. On 3 April 1994, the Kach members held under administrative detention at Hasharon Prison were moved to a high-security wing, after the authorities had decided that they were potential jail-breakers. (Jerusalem Post, 4 April 1994)

278. On 4 April 1994, Kach leader Baruch Marzel was arrested at the home of Yoram Skolnick in Pnei Hever, a few kilometres south of Kiryat Arba. Marzel was the last of the four wanted Kach leaders still at large after warrants for their arrest had been issued following the Hebron massacre. He is being held under administrative detention. He is the eighth (or tenth) Israeli to be held under administrative detention since the massacre. (Ha'aretz, Jerusalem Post, 4 April 1994)

279. On 10 April 1994, Avraham Shaar, of Kiryat Arba, was arrested and placed under administrative detention. (Ha'aretz, 11 April 1994)

280. On 11 April 1994, Kesar Mendes, of Kiryat Arba, who was convicted of endangering life on a highway and assaulting a police officer, was sentenced to 21 months in prison, 21 months suspended and a fine of about $4,000 by the Jerusalem District Court. In December 1993, Mendes participated in rioting at the Harsina junction in Hebron after the killing of Ephraim Ayoubi. Settlers blocked the road with rocks, thus preventing Arab cars from passing. When one car tried to bypass the roadblock, the settlers shot at it. As a result, Talal al-Bakri, who sat next to the driver, was killed. Police did not locate the weapon used in the killing, and therefore could not determine with certainty that Mendes had shot the man. Mendes was the only person to be identified as participating in the shooting. The other settlers managed to escape. (Ha'aretz, Jerusalem Post, 12 April 1994)

281. On 12 April 1994 it was reported that the High Court of Justice had decided to reduce by one month the three-month administrative detention of Kach activist Shmuel Ben-Yishai, of Kiryat Arba. Under the agreement reached between the State Attorney's Office and Ben-Yishai's lawyer Naftali Wertzberger, Ben Yishai was to remain within Kiryat Arba limits for the next two months. He was also to stay in his house after dark and refrain from giving radio interviews. (Jerusalem Post, 12 April 1994)

282. On 13 April 1994, the remand of Natan Ingelsman, 36, of Shilo, suspected of shooting to death Fatma Ralidah (or Fatma Sami Abdallah), 19, of El-Jib, while firing at stone-throwers on 12 April, was extended by nine days by the Jerusalem Magistrates Court. (Ha'aretz, Jerusalem Post, 15 April 1994)

283. On 19 April 1994, Yehiel Shitreet, 21, Haim Hugi, 21, and Yehoshua Shakaruka (or Sharkuka), 19, the three Border Policemen who allegedly beat Ahmed Jenjira (or Janra), a resident of Nablus, with clubs and kicked him in the face and body before dumping him into a pit, were charged in the Tel Aviv District Court with causing grievous bodily harm. They were to be held in detention until their trial was over. (Ha'aretz, 20 April 1994; Jerusalem Post, 20, 25 April 1994)

284. On 19 April 1994, leaves of absence for Kach activists Baruch Marzel and Shmuel Ben-Yishai, currently in administrative detention, and for Kessar Mendes, who was serving a 21-month prison sentence for endangering life and assaulting a police officer, were authorized by Police Minister Moshe Shahal. They would be released to attend the ceremonies celebrating the birth of their children. The three stopped the hunger strike that they had started on 17 April, after

receiving news that Shahal had authorized the leaves. (Ha'aretz, 15, 20 April 1994; Jerusalem Post, 20 April 1994)

285. On 19 April 1994, six detainees (Eyal Noked, Noam Federman, Baruch Marzel, Baruch Ben-Yossef, Shmuel Ben-Yacov and Michael Ben-Horin), who were currently held in administrative detention, filed an appeal with the High Court of Justice asking for release from Sharon Prison under the same conditions, as far as possible, as those applied to their companion Shmuel Ben-Yishai (see para. 281). (Ha'aretz, 20 April 1994)

286. On 19 April 1994, Attorney-General Michael Ben Yair stated that Israeli law, including basic laws, did not apply to settlers in the territories. Speaking to the Jerusalem Bar Association, Ben Yair addressed several legal issues that had emerged following the administrative detention of several Kach and Kahane Hai activists. He explained that Israelis and others within sovereign Israel could be held in administrative detention under the Emergency Regulations Law (Arrests). Residents of the territories were detained under emergency regulations instituted by the territories' military commanders in 1988. He rejected the argument that Jewish residents of the territories could not be detained under military regulations, saying that those orders applied to all persons in those areas who threatened State security and that no exception should be made for Israeli citizens. As a result, he added, basic law and basic freedoms, such as the freedom of expression, organization and demonstration did not apply to the same degree in the territories as they did in sovereign Israel. He reiterated that whatever regulations did prevail should be applied equally to Jews and Arabs. He also added, however, that with regard to criminal violations, particularly security violations, a degree of "parallel" authority applied to settlers, with both Israeli and military law applicable, which was why settlers who committed crimes were tried in Israeli courts. (Jerusalem Post, 20 April 1994)

287. On 25 April 1994, Kach administrative detainees Baruch Marzel and Zion Gubstein, both on hunger strike to protest their detention, fell ill and were taken to the Prison Service's hospital adjacent to Ayalon Prison in Ramle, where they are detained. They both broke their fast and would be returned to their cells when fully recovered. (Ha'aretz, Jerusalem Post, 26 April 1994)

288. On 25 April 1994, Shmuel Ben-Yishai was released from jail (see para. 281). (Ha'aretz, 26 April 1994)

289. On 27 April 1994, it was reported that Benyamin Kahane had been released from jail a week earlier. (Jerusalem Post, 27 April 1994)

290. On 28 April 1994, Yoram Skolnik, from the settlement of Pnei Hever, was convicted of murdering a bound and disarmed "terrorist" and sentenced to life in prison by the Jerusalem District Court. The victim, Moussa Abu Sabha (or: Sabah), had stabbed a resident of the settlement of Suissa on the morning of 23 March 1993. (Ha'aretz, Jerusalem Post, 29 April 1994)

291. On 2 May 1994, the High Court of Justice ruled that six Kach activists (Eyal Noked, Baruch Marzel, Noam Federman, Michael Ben-Horin, Baruch Ben-Yossef and Shmuel Ben-Ya'acov) should be allowed to submit new appeals against their

administrative detention. The decision came in response to a petition by the six detainees demanding that their three-month terms be reduced to two months, as had been done in Shmuel Ben-Yishai's case. Ben-Yishai's term was reduced with the State's consent after he had petitioned the High Court against his detention. (Ha'aretz, Jerusalem Post, 3 May 1994)

292. On 9 May 1994, Avraham Sha'ar, from the Kiryat Arba settlement, petitioned the High Court of Justice against his administrative detention, charging that implementing such a decision by military order violated his basic rights under Israeli law. He was placed in detention for three months on 4 April and his appeal to a military judge was rejected. (Jerusalem Post, 10 May 1994)

293. On 12 May 1994, Michael Ben Horin, from Moshav Nov on the Golan Heights, one of the nine Jews who were held under administrative detention following the Hebron massacre, was released from Sharon Prison. He had petitioned the High Court against his detention and had his sentence reduced from three to two months. (Jerusalem Post, 13 May 1994)

294. On 19 May 1994, the High Court of Justice rejected a petition asking that all Jews be removed from Hebron and that the Jews living there be disarmed until this was done, stating that it was a matter for negotiation between Israel and the PLO. The petition was filed by Attorneys Mohammed Dahla, Mazen Kufti and 11 other Arabs. (Ha'aretz, 20 May 1994; Jerusalem Post, 18, 20 May 1994)

295. On 23 May 1994, Kach activist Baruch Marzel was convicted at the Jerusalem Magistrates Court of hitting and injuring an Arab in the Hebron market four years earlier. He was sentenced to two and a half months in prison and a four months' suspended sentence. However, Judge Daniela Wexler agreed to let the prison sentence run together with his current administrative detention so that Marzel would actually be released when his detention period ended in six weeks. (Ha'aretz, Jerusalem Post, 23 May 1994)

296. On 23 May 1994, the administrative detention orders against two Kach activists, Noam Federman and Benzion Gopstein, were extended for another three months. Seven right-wing activists, Eyal Noked, Baruch Ben-Yossef, Shmuel Ben-Yacov, Benzion Gopstein, Baruch Marzel, Noam Federman and Avraham Sha'ar, are currently under administrative detention. Two other activists, Michael Ben-Horin and Schmuel Ben-Yishai, had been released. (Ha'aretz, Jerusalem Post, 24 May 1994)

297. On 24 May 1994, the High Court of Justice rejected a petition by Gilon Ben-Sa'id, from the Kiryat Arba settlement, who had asked to take possession of his army-issued weapon, which was taken away after the Hebron massacre. The justices ruled that not only did intelligence information justify the army's decision, but that Ben-Sa'id's police record showed that the settler had been involved in shooting at Arabs, damaging Arab property, disrupting Arab traffic and confrontation with the army. (Ha'aretz, Jerusalem Post, 24 May 1994)

298. On 25 May 1994, Hebron resident Eyal Noked, 24, was released from Sharon Prison after spending nearly three months in administrative detention. He was arrested on 3 March, following the Government's decision taken after the Hebron

massacre to crack down on Kach and Kahane Hai activists. Noked was not a member of either organization but was very active in settlement activities. He was the first of nine detainees to be released after completing a full three-month sentence. (Jerusalem Post, 26 May 1994)

299. On 6 June 1994, the High Court of Justice issued a showcase order asking the GSS and police to justify their treatment of Ahmed A-Tun, a Hamas activist arrested on 29 May, who claimed that he had been deprived of sleep and kept with his hands tied behind his back for hours despite his kidney and back problems. Several days later, on 15 June 1994, the GSS denied all the allegations. (Jerusalem Post, 7 June 1994; Ha'aretz, 16 June 1994)

300. On 16 June 1994, the High Court of Justice ruled that Israeli law did not apply to the residents of the territories, except in outstanding cases where the Knesset had specified otherwise. The High Court was ruling on a petition filed by administrative detainee Avraham Sha'ar. Apart from a few exceptions such as soldiers being subjected to military law no matter where they found themselves, Israeli law is territorial. The two ways to extend Israeli law to another piece of territory are by government order or by a proclamation of the Defence Minister. Neither option had ever been exercised regarding the territories. When the Knesset had found it necessary to apply certain laws to Israeli citizens in the territories, such as the obligation to pay taxes or serve in the army, it had been necessary to explicitly state that such laws applied. (Ha'aretz, Jerusalem Post, 17 June 1994)

301. On 24 June 1994, a petition filed with the High Court of Justice demanding that the Shamgar Commission of Inquiry not be allowed to publish its findings was rejected by the High Court. The petition, filed by Dr. Baruch Goldstein's widow and Jerusalem resident Yoel Lerner, argued that the judges prejudiced the results beforehand by deciding in advance that Goldstein was the murderer. The petition argued that it was possible that someone else had committed the murder, or that Goldstein himself had been attacked and fired in self-defence. (Jerusalem Post, 26 June 1994)

302. On 28 June 1994, it was reported that the administrative detention of Kach leader Baruch Marzel had been extended for three months. Marzel was to be released on 30 June. (Ha'aretz, 28 June 1994)

303. On 3 July 1994, two Border Policemen were convicted in the Tel Aviv District Court of abusing a man from Nablus on 13 April 1994 when they, together with a third Border Policeman, detained Ahmed Jenjira, who was in Israel illegally. Jenjira's wallet was stolen and he suffered broken ribs and teeth, among other injuries. Yehiel Shitrit, 21, from Beersheba, was convicted of aggravated assault and theft and sentenced to a year in prison and two years' suspended sentence. Yehoshua Shakaruka, 19, from Bat Yam, was convicted of assault and sentenced to six months' imprisonment and a one-year suspended sentence. The two were also ordered to compensate the victim in the amount of some $820 each. The sentencing of the third policeman was delayed. (Jerusalem Post, 4 July 1994)

304. On 3 July 1994, Avraham Shier, a resident of Kiryat Arba who had been held in administrative detention for three months was released from Sharon Prison in

Tel Mond after filing an appeal with the High Court of Justice. After the Hebron massacre, nine men believed to be active in the Kach and Kahane Hai movements were arrested and placed in administrative detention. Five remained in custody: Baruch Ben-Yossef, Shmuel Ben-Yaacov, Benzion Gopstein, Noam Federman and Baruch Marzel. (Jerusalem Post, 4 July 1994)

305. On 6 July 1994, Simona Biton, a 28-year-old woman from Petah Tikvah, was sentenced to four years in prison and three years' probation by the Tel Aviv District Court for selling weapons to an Arab resident of Lod. In October 1993, she had acquired two UZI sub-machine-guns, together with magazines and bullets, knowing that the guns were stolen. She then sold them for an unknown sum of money to Nizar Ladawi, who had passed the weapons on to a man from Gaza, Ibrahim Abu Ghali, who subsequently sent the guns to a wanted gunman. (Ha'aretz, Jerusalem Post, 7 July 1994)

306. On 10 July 1994, the police decided to hold disciplinary hearings against three Border Police officers who had been involved in the security malfunction that preceded the Hebron massacre on 25 February. The hearings were held in response to the results of the Shamgar Commission inquiry. One of the Commission's findings was that several Border Policemen did not turn up for duty on the morning of the massacre. Two other senior officers, Hebron Police Chief Dep. Cmdr. Meir Tyre and West Bank Chief Dep. Cmdr. Na'osh Maimat, received reprimands in their personal files. (Ha'aretz, Jerusalem Post, 11 July 1994)

307. On 12 July 1994, the High Court of Justice ruled that the army was justified in extending the administrative detention of Kach activists Noam Federman and Benzion Gopstein on the basis of their past activities such as overturning the booth of the human rights group B'tselem in Jerusalem, helping to write a laudatory obituary for Baruch Goldstein and, in both cases, allegations of beating Arabs and damaging their property. Kach detainee Baruch Ben-Yossef filed an appeal with the Supreme Court concerning the renewal of his detention order. (Ha'aretz, Jerusalem Post, 13 July 1994)

308. On 18 July 1994, Baruch Marzel, the former Kach leader who was under administrative detention, was convicted by the Jerusalem Magistrates Court of carrying a weapon illegally in Hebron two years earlier. He was given a seven-month suspended sentence. (Jerusalem Post, 19 July 1994)

309. On 24 July 1994, the Tel Aviv District Court sentenced a Border Policeman, Sgt. Haim Hugi, to one year's imprisonment and a two-year suspended sentence after he was convicted of beating an Arab labourer in April, together with two colleagues. He was also given a 12-month suspended sentence and ordered to pay a compensation of about $820 to the victim, Ahmed Jinjara, from the territories. (Ha'aretz, Jerusalem Post, 25 July 1994)

310. On 31 July 1994, a Justice Ministry spokeswoman announced that two Border Policemen had been criminally charged and suspended from service for beating up a Palestinian prisoner in a Bethlehem detention centre on 24 July. The spokeswoman added that the Jerusalem District Attorney's office had also requested that the policemen remain in detention pending completion of the hearings. (Ha'aretz, Jerusalem Post, 1 August 1994)

311. On 2 August 1994, a petition to the High Court of Justice claimed that Kach activists were being discriminated against and demanded that Jewish administrative detainees be allowed to sign a declaration renouncing "terrorism" and be released in the same manner as that allowing for the release of Hamas gunmen. The petition was filed by five Kach administrative detainees: Noam Federman, Baruch Marzel, Baruch Ben-Yossef, Benzion Gopstein, and Shmuel Ben-Yaacov. (Ha'aretz, Jerusalem Post, 3 August 1994)

312. On 15 August 1994, it was reported that Kach administrative detainee Baruch Ben-Yossef had appealed to the Supreme Court against his administrative detention, arguing that only a district court president had the right to approve the six-month extension of his detention proposed by the army and not, as in his case, a court vice-president. Ben-Yossef, a resident of Jerusalem, was placed under detention in March, after the Hebron massacre. (Jerusalem Post, 15 August 1994)

313. On 22 August 1994, the Supreme Court overturned the conviction of a Kiryat Arba resident who had been accused of wilfully endangering life by shooting at a vehicle on 4 December 1993. One of the passengers, a resident of Hebron, later died of his wounds. Kessar Mendes was found guilty by the Jerusalem District Court of illegal possession of fire-arms, wilfully endangering the life of and attacking a policeman. He was sentenced to 21 months in prison and a 21-month suspended sentence and ordered to pay the policeman about $4,000. However, the Supreme Court Justices stated that the case lacked "primary evidence" and therefore overturned the earlier ruling, reducing sentence to 11 months in prison and an 11-month suspended sentence. (Ha'aretz, Jerusalem Post, 23 August 1994)

314. On 24 August 1994, Kach activist Benzion Gopstein, 25, was released from Sharon Prison in Tel Mond, after spending six months in administrative detention. Kach spokesman Noam Federman was released from administrative detention the same day, but was to remain in prison until 9 September, completing a two-month sentence on criminal charges brought in July. Baruch Marzel, the Kach leader, was brought to the hospital in the Ramle Prison after collapsing in his cell. Marzel had been on a hunger strike for the previous three days to protest against his administrative detention. Of the nine Kach and Kahane Hai activists who were arrested after the Hebron massacre on 25 February, only three would remain in administrative detention after Federman's release: Baruch Marzel, Baruch Ben-Yossef and Shmuel Ben-Yaacov. (Jerusalem Post, 24 and 25 August 1994)

315. On 25 August 1994, the Supreme Court ruled that the State could not refuse to register an organization called the Israeli-Palestinian Association for Human Rights out of fear that the word "Palestinian" might imply support for an independent Palestinian State. (Jerusalem Post, 26 August 1994)

C. Treatment of civilians

1. General developments

(a) Harassment and physical ill-treatment

Oral evidence

316. The Director of the Association of Israeli-Palestinian Physicians for Human Rights spoke to the Special Committee about incursions by the army into medical institutions:

> "Although we tried to have Knesset Members intervening, we could not stop this invasion and for 24 hours, soldiers were firing rockets from the top of the hospital. I must say that this is a children's hospital and such an incident might have psychological effects on these children for many years. The Al Ahli Hospital in Gaza has been invaded numerous times. There was even one incident when they took a person away from inside the operation room. We disagree with any kind of invasion of a hospital and we think that it is against articles 18 and 20 of the Fourth Geneva Convention." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

317. A field researcher of the Palestine Human Rights Information Centre provided the Special Committee with additional information concerning the first incident mentioned by the previous witness, the incursion into the children's hospital in Hebron:

> "They took control of the Muhammad Ali El Moktasset Hospital - which is a Red Crescent hospital in the centre of Hebron - and put rocket launchers on the roof of the building. They went inside the hospital as well and used the windows of the hospital to shoot at the places where they pretended wanted people were hiding. This hospital is, of course, in operation and most of the patients are children.
>
> "Previously, the soldiers had evacuated 12 families from the area. The soldiers then started firing the rockets and destroyed a building three floors high. According to the testimonies, when this building was destroyed, three bodies were extracted." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.640)

318. The Director of the Association of Israeli-Palestinian Physicians for Human Rights described the laborious procedures patients who could not be treated in the occupied territories and members of their family had to go through in order to obtain entry permits for treatment in Israel, which amounted to administrative harassment:

> "Let me give you an example. A woman, Samira Sweirki, has to go to radiotherapy every day, five days a week, for two months. Her husband every day has to stand six hours at the Civil Administration to get her permit." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

319. Testimonies relating to the harassment and physical ill-treatment of civilians in the occupied territories may be found in documents A/AC.145/RT.634 (Mr. Neve Gordon) and A/AC.145/RT.640 (Mr. Mahmoud Jabarin).

Written information

320. On 14 April 1994, three Border Policemen, all of them on compulsory military service, were arrested on suspicion of beating and robbing a resident of Nablus while carrying out searches in the Tel Aviv area. (Ha'aretz, Jerusalem Post, 15 April 1994)

321. On 11 May 1994, Israeli soldiers clashed with journalists and Palestinian residents as the people were waiting for the arrival of the Palestinian police force in Jericho. A French reporter, Hervé Deguyne, was wounded by a rubber bullet during the incident. An Israeli radio reporter, Motti Amir, was also injured during the clash after three soldiers dragged him for 20 metres out of the area. (The Jerusalem Times, 13 May 1994)

322. On 1 July 1994, it was reported that the Arab Lawyers Association had forbidden its members to appear before any Israeli military court before 10 July 1994 in protest against the offensive procedures to which they are exposed in the courtrooms of the West Bank. The lawyers indicated that they were frisked and accompanied by a soldier into the courtroom. (The Jerusalem Times, 1 July 1994)

323. On 2 July 1994, two Palestinian residents on their way back from Jericho to Tulkarm, were attacked and robbed by Israeli soldiers. A complaint was lodged with the IDF. (The Jerusalem Times, 8 July 1994)

324. On 14 August 1994, it was reported that several residents of the Sheikh Jarrah neighbourhood in East Jerusalem had complained that the police had destroyed property during searches for Hamas gunmen on 12 August. (Jerusalem Post, 14 August 1994)

(b) Collective punishment

(i) List of houses or rooms that were demolished or sealed

Oral evidence

325. A representative of the Gaza Centre for Rights and Law who spoke before the Special Committee provided the following example concerning house demolitions:

> "Since 2 October 1993 until 10 March 1994, there were 9 missile attacks, which hit 41 houses and left 490 people homeless. Twenty-one mosques were also attacked." (Mr. Ibrahim Khamis Shehada, witness no. 11, A/AC.145/RT.636)

326. Another witness described one case of house demolition:

> "Such demolition operations take place very early in the morning, without previous warning. We have taken up the case of a family whose

house was demolished in the region of Jebel Mukabar, near Jerusalem. The house had three rooms and had been built after years of savings. We found that the family was living in an old bus after the demolition, trying to build a life. Such events are still happening today."
(Mr. Nadim Hammouda, witness no. 16, A/AC.145/RT.638)

327. Nevertheless, the field researcher of the Palestine Human Rights Information Centre who testified before the Special Committee described what he saw after a house demolition on 27 March 1994:

"I saw a number of buildings damaged, and specifically four buildings which had been completely destroyed, completely razed to the ground. After the houses had been demolished through rocket shelling, the Israeli army bulldozers removed the rubble entirely. Also, I saw the marks left by hundreds of rounds of ammunition inside the houses, in the rooms of the houses. I saw with my very own eyes hundreds of bullets that had gone through the walls of the bedrooms, the cupboards, even personal belongings like clothing. In addition to that, I saw five private Arab cars which had been completely demolished by the military bulldozers."
(Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.641)

328. The Director of the Mandela Institute for Political Prisoners informed the Special Committee about a significant case of house demolition that took place without any prior warning to the family concerned:

"I would have liked to bring here with me the father of a Palestinian girl who, on 10 April 1994, was sentenced to 17 years in prison. Three days after she was sentenced and without a decision by the court to demolish the house of the family, the house was demolished all the same without any prior warning to the family. Because the father of this detainee could not come with me today to testify, I have brought with me for this Committee a report prepared by our organization on this case. All his family documents were buried under the house when it was demolished."
(Mr. Ahmad Al Sayyad, witness no. 30, A/AC.145/RT.645)

329. Accounts of the demolition and/or sealing of houses may be found in documents A/AC.145/RT.636 (Mr. Ibrahim Khamis Shehada), A/AC.145/RT.638 (Mr. Nadim Hammouda), A/AC.145/RT.641 (Mr. Mahmoud Jabarin) and A/AC.145/RT.645 (Mr. Ahmad Al Sayyad).

Written information

330. On 12 April 1994, the army used anti-tank missiles and bulldozers to demolish the home of Dr. Mohammed (al-) Wahidi, a prominent Fatah leader, during a search for wanted "terrorists" in Ramallah. Military sources confirmed that the home was demolished but that no wanted fugitives were arrested during the operation. (Ha'aretz, Jerusalem Post, 13 April 1994; also referred to in Al-Tali'ah, 14 April 1994; The Jerusalem Times, 15 April 1994)

331. On 22 May 1994, troops used anti-tank missiles to demolish the hide-out of several suspected "terrorists" in Hebron. The walls of another house sustained serious damages during the attack. (Ha'aretz, Jerusalem Post, 23 May 1994)

332. On 7 June 1994, the registration of Arab families from Jerusalem whose homes were demolished in recent years was held at the Orient House. The Palestine Human Rights Information Centre, which organized the registration, indicated that it had records of 210 demolitions carried out during the previous seven years. The reasons for demolition ranged from illegal building to the construction of Route 1. Some 150 families came to register at the Orient House, including some of the 14 whose homes made way for Route 1, which goes along the old border between East and West Jerusalem. (Jerusalem Post, 8 June 1994)

333. On 17 June 1994, the Israeli authorities demolished two houses belonging to the Rajabi brothers, north of Jerusalem, and the farm of Radi Nasser in Issawiya, on the outskirts of Jerusalem. (The Jerusalem Times, 24 June 1994)

334. On 19 June 1994, it was reported that Palestinian advocates of non-violent disobedience had begun opening dozens of houses that had been sealed as punishment by the army during the past decade. In the Izzariya, Kalandia, Kufr Akab and Ras al-Amud villages, near Jerusalem, the activists opened more than 40 houses, some of which had been welded shut eight years earlier. The campaign to reopen more than 350 houses was announced at a press conference held in Jerusalem by Mubarak Awad, the director of the Palestinian Centre for the Study of Non-Violence. Awad explained that some of the prisoners whose activities had led to the sealings had since been freed and, therefore, it did not make sense to keep the houses sealed. Al-Haq, the Palestinian human rights organization from Ramallah, estimated the number of houses that had been sealed or demolished since 1967 at about 2,000. (Ha'aretz, Jerusalem Post, 19 June 1994; also referred to in The Jerusalem Times, 24 June 1994; Al-Tali'ah, 30 June 1994)

335. On 19 June 1994, the IDF re-sealed the home of Samir Masri (or Haldoun Wahouda al-Masri) of Azariya, near Jerusalem, which had been opened by the activists of the Palestinian Centre for the Study of Non-Violence. (Jerusalem Post, 20 June 1994; Ha'aretz, 21 June 1994)

336. On 22 June 1994, Palestinian activists who had launched a campaign to open the homes of former Palestinian prisoners that were sealed by the army, tore down the cement and blocks that for 20 years had sealed a home in the Jebel Mukaber neighbourhood in south-east Jerusalem. Prior to this, the group had only broken into houses sealed in the administered territories. According to the activists, Mahmoud Alian had been released from prison 20 years earlier, so there was no reason why his home should not have been opened. Since the operation began on 19 June 1994, the group had reportedly opened some 50 sealed homes. (Jerusalem Post, 23 June 1994)

337. On 23 June 1994, police converged on the Jebel Mukaber neighbourhood in East Jerusalem to re-seal the home of a former Palestinian prisoner, Mahmoud Alian, and warned that other openings of homes that had been sealed would not be tolerated. Nevertheless, the Palestinian activists who were behind the initiative to unseal the home (and dozens of others earlier in the week) vowed to continue their campaign to open homes that had been sealed by the security forces. (Ha'aretz, Jerusalem Post, 24 June 1994)

338. On 29 June 1994, the army fired anti-tank missiles at a house in the village of Kawat Bani Hassan, in the Tulkarm area, during a search for a wanted Hamas fugitive. No wanted fugitive was arrested as a result of the operation. (Ha'aretz, 30 June 1994)

339. On 29 June 1994, the Palestinian Centre for the Study of Non-Violence declared that it would put a halt to its campaign of re-opening sealed houses for one week in order to allow the Israeli Government to reconsider its policy regarding sealed houses. (Al-Tali'ah, 30 June 1994)

340. On 11 July 1994, anti-tank missiles were used to destroy a house in Nablus where two wanted Hamas fugitives had barricaded themselves. The two men were killed. Several other buildings, including the home of the Kherzoula family, were also destroyed during the operation. (Jerusalem Post, 12 July 1994; also referred to in The Jerusalem Times, 15 July 1994; Al-Tali'ah, 20 July 1994)

341. On 20 July 1994, Palestinian police destroyed a home in Tel Sultan neighbourhood of Rafah from which gunmen had fatally shot IDF Lt. Guy Ovadia in an ambush on 20 July. (Jerusalem Post, 21 July 1994)

342. On 24 July 1994, the IDF re-sealed the house of Kamal Tayyem, located north of Jerusalem. The house was one of the houses that had been re-opened by members of the Palestinian Centre for the Study of Non-Violence last month, following the release of the owner's son, Musa Tayyem, from prison. (The Jerusalem Times, 29 July 1994)

343. On 29 July 1994, four houses were demolished in the Jenin area, two in Ramallah and another two in Kabatiya. The houses were built without a permit. Residents of the village of Zabuda issued a statement indicating that 25 families had received notices from the Israeli authorities that their houses were slated for demolition. (The Jerusalem Times, 5 August 1994)

344. On 10 August 1994, it was reported that the Israeli authorities had stepped up the demolition of houses built without licence in the Jenin area, making dozens of Palestinian families homeless. (Al-Tali'ah, 10 August 1994)

345. On 12 August 1994, the Israeli authorities re-sealed four houses in Sinjel that were formerly opened by the Palestinian Centre for the Study of Non-Violence. (The Jerusalem Times, 12 August 1994)

346. On 18 August 1994, Foreign Minister Shimon Peres and PLO chief negotiator Nabil Shaath issued a joint statement indicating that freed Palestinian prisoners and returning deportees might be allowed to rebuild or unseal homes that IDF had demolished or closed. According to the Israeli human rights organization, B'tselem, since the beginning of the uprising, the IDF had blown up 434 Palestinian homes, 191 of them in Gaza and had sealed 314 homes, 82 in Gaza. It was not clear if Israel would pay for any of the home reconstruction costs. (Jerusalem Post, 19 August 1994)

347. On 19 August 1994, it was reported that the Israeli authorities had demolished 10 shops in the village of Bidya in the Nablus area on the pretext that building licences had not been obtained. A quarry was also demolished in

the village of Kublan and another near Eyba. Sources at the International Committee of the Red Cross in Jenin stated that 15 houses had been torn down by the Israelis over the past five weeks. An additional house was demolished, together with all the furniture inside it, in the village of Kufur Akab, near Jerusalem. (The Jerusalem Times, 19 August 1994)

348. On 26 August 1994, it was reported that the Planning Department in Kalkiliya had notified the owners of shops in Aber Samera Street of its intention to demolish 100 shops on the pretext of insufficient permits. Recently, 12 shops had been demolished in the same street. (The Jerusalem Times, 26 August 1994)

(ii) Imposition of curfews, sealing off or closing of areas

Oral evidence

349. One witness who testified before the Special Committee offered his views of the curfew imposed after the Hebron massacre:

> "The curfew, of course, was imposed so that there would be no confrontations or frictions between the Israelis and the Arabs. But what is regrettable is that the curfew was imposed on the victims and not on the aggressors. We would have expected that the curfew would be imposed on those who aggressed the Muslims who were praying, and not on the Muslims, who were the victims.
>
> "A curfew was imposed so that there would be no frictions between the Arabs and the Jews. But the problem is that in Hebron, there are 120,000 Arabs, while there are between 200 and 360 Israelis. So, 120,000 Palestinians were prevented from moving to avoid frictions with that small number of Jews." (anonymous witness no. 19, A/AC.145/RT.639/Add.1)

350. The Director of the Association of Israeli-Palestinian Physicians for Human Rights described the effect of the closure on patients in need of medical therapy not available in the occupied territories:

> "During this last hermetic closure, since the massacre, we know of a considerable number of patients who did not get permits to leave the Gaza Strip in order to go inside Israel and receive radiotherapy. This has a very costly effect on their health. Furthermore, patients who have cardiological problems, or metabolic problems, or need sophisticated rehabilitation, many times cannot leave the Gaza Strip ... The worst problem in these terms relates to the Gaza Strip. In the Gaza Strip, there is no oncological care. Any one who has cancer needs to be treated inside Israel. There is no radiotherapy and the chemotherapy is of very, very low standard. Diagnosis is of very low standard. (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

351. In addition to affecting the freedom of movement of the inhabitants of the territories, the same witness indicated that the closure had caused a problem with regard to medical supplies:

"In terms of supplies, there was a problem with oxygen in the Gaza Strip in the past days. The problem occurred because the trucks that go and refill the empty tanks inside Israel were not allowed to enter Israel ... We were notified that the hospital directors in the Gaza Strip got together on 16 April and decided to stop all elective operations due to the lack of oxygen until the tanks were refilled. On 17 April, after our intervention, the trucks were allowed to go out and bring back the oxygen." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

352. Another witness described to the Special Committee how curfews affect the health of the population in the occupied territories:

"Doctors cannot get permits to go out at night to attend to their patients and carry out their functions as doctors. Similarly, if a patient requires treatment at night, he cannot leave the house in order to go to a pharmacist. As a matter of fact, there is no pharmacy on duty anywhere, because of the curfew." (Anonymous witness no. 5, A/AC.145/RT.634/Add.1)

353. One witness described the effects of the imposition of curfews, in particular in the Gaza Strip:

"As of 8 p.m. (in better circumstances it is 9 p.m., that is to say depending on the daylight-saving time or the regular standard time in Israel) until 4 a.m., which is the hour when the Palestinian workers have got to leave their homes in order to cross the Green Line for work, there is a curfew. In addition to that night curfew, the Israeli authorities impose supplementary day curfews over entire residential areas. Let me give you an example. I used to live in the Jabalia refugee camp. In the month of September 1992, in the whole month, there were 24 days of day curfew, that is to say if you calculate the hours of the night curfew plus the curfews imposed during the day, you would total 24 days out of one month. And they would only allow a very, very limited period of time for women to leave their houses in order to buy food and other products for the house." (Mr. Mazen Gamil Shaqurah, witness no 12, A/AC.145/RT.636)

354. The same witness described the negative consequences the curfew had on agriculture:

"I do not want to detail all the damages that ensue from the curfew policy. Speaking of agriculture for example, despite the very limited surface of the Gaza Strip, it is considered one of the main producing areas for vegetables and 60 per cent of the produce is marketed in the commercial market of Hebron. Of course, when there is a curfew, those 60 per cent go to waste. This is the situation currently, right now under the recent closure. Furthermore, because of the closure workers cannot go to their places of work, the students cannot go to their schools and life in general comes to a halt." (Mr. Mazen Gamil Shaqurah, witness no. 12, A/AC.145/RT.636)

355. A witness who testified before the Special Committee described the negative consequences that the imposition of curfews has on agriculture in the occupied territories:

"Frequent curfews made the venture of agriculture an extremely risky one and many of the crops had to be burnt or abandoned because people cannot attend to their farms, ... Also, police guards and border patrol units often drive their vehicles on the planted land without any reason or explanation. They don't even apologize if things are destroyed." (anonymous witness no. 2, A/AC.145/RT.634/Add.1)

356. Testimonies relating to the imposition of curfews, sealing off and closing of areas may be found in documents A/AC.145/RT.634 (Mr. Neve Gordon), A/AC.145/RT.634/Add.1 (anonymous witness), A/AC.145/RT.634/Add.1 (anonymous witness), A/AC.145/RT.636 (Mr. Mazen Gamil Shaqurah) and A/AC.145/RT.639/Add.1 (anonymous witness).

Written information

357. On 1 and 2 April 1994, the territories remained closed. (Ha'aretz, 3 April 1994)

358. On 5 April 1994, a curfew was imposed on the Dheisheh refugee camp, following stone-throwing incidents. (Ha'aretz, 6 April 1994)

359. On 6 April 1994, the territories remained closed and a curfew was imposed on Kabatiya. The curfew remained in force in nine areas of Hebron. (Ha'aretz, 7 April 1994)

360. On 7 April 1994, a total open-ended closure of the territories was imposed following two deadly Arab "terrorist" attacks on 6 and 7 April. The closure went into effect at 5 p.m. and included, without exception, the Gaza Strip and the West Bank. The IDF also imposed a "regional closure" on Jenin, Tulkarm and Kalkiliya, prohibiting residents from travelling beyond city limits. In addition, Hebron continued to be considered as a closed military area. (Ha'aretz, Jerusalem Post, 8 April 1994; also referred to in Al-Tali'ah, 14 April 1994; The Jerusalem Times, 15 April 1994)

361. On 11 April 1994, the IDF reportedly lifted the curfew imposed on Hebron and allowed residents to circulate freely in the centre of the city for six hours a day. However, nine areas of Hebron remained under curfew. (Ha'aretz, Jerusalem Post, 12 April 1994)

362. On 12 April 1994, the army imposed a curfew on Ramallah (or closed the Ramallah neighbourhood of Masounah/Missiyoun) during a search for "terrorists". (Ha'aretz, Jerusalem Post, 13 April 1994)

363. On 13 and 14 April 1994, the army imposed a curfew on El-Jib village following the stoning of an Israeli car. (Ha'aretz, 15 April 1994)

364. On 15 and 16 April 1994, the IDF imposed a curfew on Ramallah and several surrounding refugee camps in order to prevent disturbances from erupting on the anniversary of the killing of Abu Jihad in Tunis. (Ha'aretz, 17 April 1994)

365. On 17 April 1994, the Cabinet slightly eased the closure of the territories amid concerns about human and economic distress there and in response to

pressure from Israeli farmers (see (d) Economic and social situation, 17 April, below). (Ha'aretz, Jerusalem Post, 18 April 1994)

366. On 19 April 1994, the IDF placed a curfew on the village of Habla following the throwing of a petrol bomb at an Israeli bus. (Ha'aretz, 20 April 1994)

367. On 21 April 1994, the IDF began easing the closure of the Gaza Strip, permitting families to visit relatives in the Ketziot prison camp in the Negev. (Jerusalem Post, 22 April 1994)

368. On 22 and 23 April 1994, following the attack on an IDF soldier, a curfew was imposed on Nablus and the surrounding refugee camps, confining some 150,000 Palestinians to their homes. (Ha'aretz, Jerusalem Post, 24 April 1994)

369. On 24 April 1994, following the stabbing of a resident of Kiryat Arba near Beit Hadassah in Hebron, dozens of Jews went to the site of the incident. They left the area after the IDF had declared it a closed military zone. A curfew was clamped on the city. (Ha'aretz, Jerusalem Post, 25 April 1994)

370. On 26 April 1994, a curfew was imposed on the centre of Hebron, after a Palestinian was shot dead by a soldier. (Jerusalem Post, 27 April 1994)

371. On 1 May 1994, the closure of the territories remained in force. (Jerusalem Post, 2 May 1994)

372. On 6 and 7 May 1994, the IDF imposed a curfew on the village of Hussan, in the Bethlehem District, following the stabbing of an American tourist. (Ha'aretz, 8 May 1994; also referred to in The Jerusalem Times, 27 May 1994)

373. On 10 May 1994, it was reported that certain areas in the occupied territories, including Jericho, were ordered closed to journalists, preventing them from covering the withdrawal process. (Jerusalem Post, 10 May 1994)

374. On 17 May 1994, it was reported that the night curfew, which had been in force in the Gaza Strip for seven years, had been lifted, albeit unofficially, in several areas such as Khan Younis, Rafah and other locations. During the past five weeks, the Israeli army reduced its patrols considerably in those areas. Hebron was placed under curfew following the killing of two settlers near Beit Haggai. (Ha'aretz, 17 May 1994; Jerusalem Post, 19 May 1994; also referred to in Al-Tali'ah, 26 May 1994)

375. On 20 May 1994, the Gaza Strip was closed by the IDF, following the killing of two IDF reservists near the Erez checkpoint. (Ha'aretz, 22 May 1994; also referred to in Al-Tali'ah, 26 May 1994; also referred to in The Jerusalem Times, 27 May 1994)

376. On 22 May 1994, the Gaza Strip remained closed. (Jerusalem Post, 23 May 1994)

377. On 24 May 1994, all persons not residing in Jericho and their vehicles were barred from entering the city for 24 hours by OC Central Command Maj.-Gen.

Ilan Biran. The order took effect at 5 p.m. (Ha'aretz, Jerusalem Post, 25 May 1994)

378. On 25 May 1994, the 24-hour closure imposed on Jericho following the detention of five Jews there by the Palestinian police was lifted. (Jerusalem Post, 26 May 1994)

379. On 27 May 1994, the closure of the Gaza Strip was lifted. The ban imposed following the killing of two soldiers at a Gaza checkpoint on 20 May was lifted because the Palestinian police would check the cars of Gazans going to areas under Israeli responsibility and going to the Green Line. However, the restrictions that had kept most Palestinians from working in Israel since a wave of "terror" attacks in April would remain in effect. (Ha'aretz, 29 May 1994)

380. On 31 May 1994, the village of A-Ram was placed under curfew following the killing of two Hamas fugitives. (Jerusalem Post, 1 June 1994; also referred to in The Jerusalem Times, 3 June 1994)

381. On 1 June 1994, the IDF lifted the closure of A-Ram imposed 31 May 1994 after residents had protested violently against the killing of two Hamas activists. (Ha'aretz, Jerusalem Post, 2 June 1994)

382. On 4 June 1994, the IDF imposed a curfew on the Hebron area in order to investigate who was responsible for a grenade attack that had injured several Palestinians near a Hebron checkpoint. (Jerusalem Post, 5 June 1994; also referred to in Al-Tali'ah, 9 June 1994)

383. On 5 June 1994, following clashes in Hebron, the army placed the city under curfew once again immediately after it had been lifted. (Ha'aretz, 6 June 1994; also referred to in Al-Tali'ah, 9 June 1994)

384. On 10 and 11 June 1994, the IDF imposed a curfew on an area of Hebron around a Muslim cemetery following the explosion of three bombs. (Ha'aretz, 12 June 1994)

385. On 14 June 1994, it was reported that the central market of Hebron, which had been closed since the Hebron massacre on 25 February, should be reopened. (Ha'aretz, 14 June 1994)

386. On 14 June 1994, Israeli troops closed off part of Hebron to search for gunmen who had fired at two Israeli vehicles. Since the Hebron massacre, more attacks had occurred in Hebron than in any other town, giving rise to restrictions, such as night curfews and the closure of the wholesale vegetable market. (Ha'aretz, Jerusalem Post, 15 June 1994)

387. On 7 July 1994, it was reported that a curfew had been imposed on Kafr Akeb and the surrounding villages near Ramallah, in order to allow the GSS to search for the gunmen who had fatally shot and stabbed Aryeh Frankenthal. (Jerusalem Post, 8 July 1994)

388. On 8 July 1994, the Israeli army imposed a curfew on Hebron in order to search for the assailants responsible for the murders of Aryeh Frankenthal and

Sarit Prigal. The mayor of Hebron, Mustafa Natshe, protested against the curfew as collective punishment and stated that residents of Hebron had been confined to their homes for 60 days during the year. (Jerusalem Post, 10 July 1994)

389. On 10 July 1994, an IDF spokesman announced that a full closure would be imposed on the Gaza Strip on the morning of 11 July in response to three consecutive days of disturbances near the Erez checkpoint in the northern part of Gaza. The recommendations for implementing the closure were submitted to Prime Minister and Defence Minister Rabin who approved the closure for an unspecified amount of time. The disturbances were caused by Palestinian workers who were not permitted to cross into Israel, whose employers did not pick them up or who had not been paid their wages for the previous month. The closure would prevent 50,000 Palestinian labourers with entry permits from working in Israel. (Jerusalem Post, 11 July 1994)

390. On 11 July 1994, the IDF announced that it would reopen the Erez checkpoint between Gaza and Israel at midnight, after a 24-hour closure, which had prevented some 15,000 Gazans from going to work. (Jerusalem Post, 12 July 1994; also referred to in Al-Tali'ah, 27 July 1994)

391. On 12 July 1994, it was reported that the IDF had closed all entrances to the Rama neighbourhood of Hebron with cement barriers, thus preventing all traffic of Arab cars. The measure had been taken following the incident in the Kharsina settlement during which an Israeli woman was killed. (The Jerusalem Times, 15 July 1994)

392. On 18 July 1994, following violent riots at the Erez checkpoint, Police Minister Moshe Shahal said that Israel would keep Gaza sealed until the Palestinian police were able to keep the situation under control. (Ha'aretz, Jerusalem Post, 19 July 1994; also referred to in The Jerusalem Times, 22 July 1994)

393. On 22 July 1994, the five-day long closure imposed on the Gaza Strip following the riots at the Erez checkpoint was lifted. (Ha'aretz, Jerusalem Post, 24 July 1994)

394. On 28 July 1994, following the stoning of a Jewish motorist in Ramallah and his rescue by local residents, a curfew was placed on the area where the incident took place. (Ha'aretz, Jerusalem Post, 29 July 1994)

395. On 29 and 30 July 1994, a curfew was placed on the city of Ramallah following disturbances. (Ha'aretz, 31 July 1994)

396. On 16 August 1994, following an attack on an Israeli bus in the Dheisheh area, in the West Bank, the army closed the area to search for the assailants. (Ha'aretz, 17 August 1994)

397. On 19 and 20 August 1994, a curfew was imposed on Ramallah, following severe clashes during which an Arab resident was killed by undercover troops. (Ha'aretz, 21 August 1994)

398. On 24 August 1994, the IDF imposed a curfew on the area of the Efrat settlement, including the Dheisheh refugee camp, on part of Bethlehem and on the village of Kafr Artas, and searched for the assailants who had allegedly tried to kidnap a Jewish man near the settlement. (Ha'aretz, Jerusalem Post, 25 August 1994)

399. On 26 August 1994, the army closed off "the area of the mosques" in Ramallah for fear of disturbances after the Friday prayer. (Ha'aretz, 28 August 1994)

(iii) Other forms of collective punishment

400. On 16 June 1994, according to Palestinian eyewitnesses, Israeli women soldiers violated the sanctity of the main cemetery in Hebron and drank alcoholic drinks sitting on the graves. (Al-Tali'ah, 16 June 1994)

(c) Expulsions

Oral evidence

401. In Damascus, the Special Committee had the opportunity to hear from one of the persons concerned a detailed account of the massive expulsion of Palestinians to the so-called "security zone" in southern Lebanon, which took place on 17 December 1992:

> "That was on 16 December 1992. It was in the middle of the night. We were taken in a bus. After a little while, we were transferred to another bus. The bus was travelling we did not know where to. During the journey, our hands and our feet were tied. Then, we found ourselves close to the Lebanese border. We were informed of that through the radio in the bus. The bus had stopped and we thought that we were the only ones in the bus. But we heard that there were 415 other deportees. The buses had all stopped at that point. They were awaiting the decision of what they called the Supreme Court. Of course, we knew that the decision had already been taken because it is not possible to bring 415 persons in over 20 vehicles and take them to the Lebanese border without a decision having been taken already! That question of the decision to be taken by the Supreme Court was just a matter of form in order to misguide international opinion into thinking that they rely on the rules of law. The decision was ready and issued by the Supreme Court and was dressed in the garb of legitimacy. The deportation decision was for a period of two years, according to what the Supreme Court said. The soldiers were all applauding, expressing their happiness that the Court had adopted that decision. Beyond a certain point, we were made to get off the buses and get on trucks usually used for transporting cattle. We were very crowded in the trucks and people could hardly move. Those five or six trucks took us to the village of Marj Al Zohour. There was a Lebanese checkpoint there. The trucks were made to go back to the very point where we had boarded them. We were ordered to disembark from the trucks and to walk towards Marj Al Zohour. That was under the threat of arms. They started firing in order to frighten us. We went part of the way. The detainees decided not to enter Lebanon and to stop just before the Lebanese checkpoint. There, we remained for a period

of one year. Everything was published by the media and all the information about the very harsh living conditions we experienced during that time are well known.

"We had tents. It was extremely cold. We arrived during winter time. It was snowing while we were in the tents. Water entered the tents very easily. We were drinking that rain water. There was also a tiny spring in the neighbourhood. It was not very clean water. However, we used it for drinking and for washing our clothes. We used to walk around in the neighbouring hills in order to find anything that we could use as fuel to burn in order to cook. We lived on the assistance that was given to us by the neighbouring villages." (anonymous witness no. 37, A/AC.145/RT.649)

402. Testimonies referring to expulsions may be found in document A/AC.145/RT.649 (anonymous witness).

Written information

403. On 5 April 1994, 50 Palestinian deportees (27 from the West Bank and 23 from the Gaza Strip), including ranking PLO activists, were allowed to return to their homes in the territories. (Ha'aretz, Jerusalem Post, 6 April 1994; also referred to in Al-Tali'ah, 7 April 1994; The Jerusalem Times, 8 April 1994)

404. On 19 April 1994, a group of six Fatah fugitives who were suspected of attacking Palestinians and Israelis between 1989 and 1991 returned to the Gaza Strip from exile in Arab countries. (Ha'aretz, Jerusalem Post, 20 April 1994)

405. On 21 April 1994, 10 wanted Fatah gunmen who had fled abroad during the uprising returned to the Gaza Strip. Three returnees came with their wives and 13 children. (Ha'aretz, Jerusalem Post, 22 April 1994; also referred to in Al-Tali'ah, 28 April 1994)

406. On 22 and 23 April 1994, five wanted Fatah fugitives who had fled from the Gaza Strip during the previous five years returned home. (Ha'aretz, 24 April 1994)

407. On 24 April 1994, six to eight additional Fatah activists returned from exile abroad after being fugitives from security forces between 1989 and 1992 (also referred to in The Jerusalem Times, 29 April 1994). Some 31 deportees had returned since the previous week. (Ha'aretz, Jerusalem Post, 25 April 1994)

408. On 24 April 1994, the Supreme Court issued an interim order forbidding the Interior Minister and the Police Minister to expel from Israel Hassin (Ben Suleiman) Sha'ar, 30, from Rafah, who lived in Eilat with his Israeli-Arab wife, who is from Ramleh. Sha'ar had been living and working in Eilat as a tourist guide for the previous 10 years. However, not being a permanent resident of Israel, his work licence had expired on 21 March 1994. The couple has been waiting for five months for the Interior Ministry to allow Hassin Sha'ar to become a permanent resident of Israel, in the context of family reunification. (Ha'aretz, 25 and 26 April 1994)

409. On 27 April 1994, 11 Palestinian former Fatah fugitives returned home to the West Bank from Jordan across the Allenby Bridge. The arrival of an additional seven persons to Gaza from Egypt was delayed. (Ha'aretz, Jerusalem Post, 28 April 1994)

410. On 4 May 1994, 15 or 16 deportees and former wanted fugitives returned to the Gaza Strip. (Ha'aretz, Jerusalem Post, 5 May 1994)

411. On 5 May 1994, 14 persons who used to be wanted fugitives returned to the occupied territories through the Rafah checkpoint from Egypt. (Ha'aretz, 6 May 1994)

412. On 5 May 1994, it was reported that returnee Nidal Mohammed Said Madiah, from Halhul, had complained that the Hebron military command had granted him only a visitor's permit and that his wife and children had not been allowed through the Allenby Bridge. This did not comply with the terms of the Cairo Agreement on returnees. (Al-Tali'ah, 5 May 1994)

413. On 17 May 1994, deportees Mohammed Dahlan and Jibril Rajoub, who had been appointed by PLO leader Yasser Arafat to be in charge of security in Gaza and Jericho, returned to the occupied territories. (Ha'aretz, Jerusalem Post, 18 May 1994)

414. On 19 June 1994, it was reported that, according to PLO officials in Amman, Israel had agreed to allow 496 former prisoners to return to their homes in the territories. Some of those who would be repatriated were reportedly members of factions opposed to the peace process between Israel and the PLO. The list of returnees was the seventh and largest group of Palestinians to be allowed to return since the signing of the Oslo agreement. Since the signing, Israel has allowed some 200 Palestinian exiles to return. (Jerusalem Post, 19 June 1994)

415. On 28 July 1994, Palestinian officials announced that Fatmeh Birnawi, the first Palestinian female "terrorist" jailed by Israel after the Six Day War, had returned to Jericho in order to set up and command the Palestinian women's police force, having been appointed to the position by Yasser Arafat. She crossed into Jericho from Jordan on 26 July. (Jerusalem Post, 29 July 1994)

416. On 26 August 1994, Akhram Haniya, 31, from Ramallah, one of the Fatah leaders who had been expelled from Israel in 1986, returned to the autonomous area of Jericho. (Ha'aretz, 28 August 1994)

(d) Economic and social situation

Oral evidence

417. With respect to the economy of the occupied territories, its dependence on Israel has been described to the Special Committee in the following manner:

> "Since the occupation, all efforts have been made on the part of Israel to completely tie the economy of the occupied territories to the main economy of Israel. There is no question anymore now of speaking of a pure national industry in the occupied territories. We could only speak of

a very weak parallel industry, or of industries complementary or supplementary to other main industries in Israel. The setting up of any industrial enterprise would require the approval of the military authorities." (Mr. Mazen Gamil Shaqurah, witness no. 12, A/AC.145/RT.636)

418. One of the areas that characterizes the economic and social situation in the occupied territories is employment. The field researcher of the Palestine Human Rights Information Centre stated the following in this connection:

"You know that the Palestinian people under the occupation are living under very harsh and difficult conditions and rely in the first instance on the labour power they have. This labour power, which for the better part (hundreds of thousands, I am not going to give you an exact number because I don't have one, but in very high proportion) depend for their living and the living of their families on the revenue they have from their work in Israel. Now, all these persons and their families were deprived of the opportunity to work. They were deprived of their source of dignified livelihood for themselves and for their families, in addition to the other negative effects of the security cordon on the economic situation in general, commerce and business, to the small industries, to education, the damage to social life. Also, the health services have been affected very negatively and that has aggravated the burden and the worries of the Palestinian people. That situation has been lasting now for many months and still continues." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.641)

419. A field worker of the Israeli human rights organization B'tselem described to the Special Committee the reaction of the Civil Administration in the West Bank to the Hebron massacre:

"The Israeli Civil Administration gave assistance to the Hebron hospitals at about 11 o'clock in the morning of the day the massacre was committed, after the hospitals had distributed all the wounded persons. At this time, the Civil Administration declared that two helicopters were ready to transport the wounded persons to hospitals in Israel. But it was too late. Also, the Civil Administration did not call the military ambulances, the ambulances of the Israeli hospitals or even the ambulances of the Israeli settlements in Hebron. This compelled the Hebron hospitals to call ambulances from Jerusalem, Bethlehem and Ramallah, although there are ambulances in every settlement. Also, the Civil Administration did not visit the hospitals to inquire whether there was any shortage of medicines or not. This obliged the directors of the Hebron hospitals to contact the Makassed Hospital. The statement given by the director of the Makassed Hospital to the Shamgar Commission confirms this, namely that the Makassed Hospital was the one to provide medicines and doctors to Hebron.

"The lack of action on the part of the Civil Administration led to the increase in the number of the persons killed in the course of the Hebron massacre." (Mr. Bassem Eid, witness no. 17, A/AC.145/RT.639)

420. The witness also described the deficiencies of the health care system in the occupied territories, which became particularly evident after the Hebron massacre:

> "Eleven patients were transferred to Israeli hospitals after the massacre, but about 200 persons needed care, not only from the massacre, but also from the events right after it ... They were not prepared. People died because they were not prepared. People died because they do not have the specialized surgeons, they do not have the required equipment to take care of people with critical cardiological problems, or such large-scale catastrophes. I must say that this is interesting, because all Israeli hospitals are prepared for large-scale catastrophes because of the situation we are living in. We are living under the fear of war and the hospitals are prepared. The hospitals in the occupied territories were never prepared." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

421. In conjunction with the above, the Director of the Association of Israeli-Palestinian Physicians for Human Rights spoke about the health care situation in the occupied territories:

> "Health care in the occupied territories is divided into three major categories: one is the Civil Administration. That is the government health care. Every worker working inside Israel is being automatically deducted a certain sum of money from his salary and he is health insured ... In times of closure like now, that leaves only 25 to 30 per cent of the people insured with an effective coverage ... The other group is that of the refugees who have some kind of insurance under UNRWA. The rest of the people do not have health insurance. So, the majority of the people in the occupied territories do not have health insurance." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

422. The Director of the Association of Israeli-Palestinian Physicians for Human Rights compared the health situation in the occupied territories with that of Israel:

> "To give you a few examples in numbers, in Israel the amount of money per capita in health per year is approximately $500, whereas it is between $18 and $23 in the occupied territories. Inside the occupied territories, there are 1.1 beds per 1,000 people, but 6.1 beds per 1,000 people inside Israel. There was an actual drop in the number of beds in the occupied territories in the past 25 years. The number of ambulances is 1 per 5,000 people inside Israel and 1 per 16,000 people in the Gaza Strip. Those are just a few statistics." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

423. The same witness also spoke of the serious consequences resulting from the fact that Palestinian ambulances were not allowed to have communications equipment:

> "The Israeli Government says that it will not give communications equipment for security reasons. On the other hand, we know that a building company in the Gaza Strip has a Motorola system in their cars, and yet the ambulances are not given permits for a communications system. In our view,

this has been very bad throughout the intifadah. We think that in cases of large-scale casualties like the Hebron massacre, it is even more severe." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

424. One witness who testified before the Special Committee described the hospitals in the occupied territories in the following manner:

"These hospitals only carry the name of a hospital, but their functioning as a hospital is another matter because the necessary, modern and up-to-date medical equipment is not available for diagnosis, because the necessary medication is not there either. I am sure you have all heard about the shortage of oxygen last week. Also, any of the youths who are hit by bullets or sustain injuries during confrontations with the police are very reluctant to go to hospital because they are afraid that they might be arrested at the hospital for having participated in the confrontations." (Mr. Mohamed Omar, witness no. 10, A/AC.145/RT.635)

425. The Director of the Association of Israeli-Palestinian Physicians for Human Rights informed the Special Committee about the economic situation in the occupied territories and dealt in particular with the situation regarding electricity in the Gaza Strip:

"The Gaza Strip receives electricity from Israel ... The Israeli electricity company stops the electricity for whole neighbourhoods, without any discrimination between people who pay and people who don't pay. Of course, this has effects on the medical issue, and that is why I am raising it. Medicines need to be kept in refrigerators. In winter, it is the question of heating. For example, we had a baby who needed food prepared in a mixer. Three times a day, his father had to go from one side of Gaza to the other side to prepare the food because there was no electricity where he was. The baby died in the end ... The responsibility for electricity in the Gaza Strip is upon the electric company and not the Israeli Government. We do not accept that, because the Israeli Government is the occupier.

"Furthermore, when people need a permit to go into Israel, they have to bring to the Civil Administration a voucher that they have paid their electricity bill ... there is very high poverty in the territories and the closure strengthens the poverty. Also, poverty has a direct relation to health. We call it 'health care poverty'. Thirty per cent of the Palestinian work force worked inside Israel before the closure. Their families do not have an income today. They do not have an income for their health care needs either. That is very important. This is another effect of the closure, on the health of the people. The people cannot pay their health insurance, they cannot buy medicine, they cannot pay for hospitalization." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

426. With regard to practices that cause environmental degradation and are dangerous for the health of the inhabitants of the occupied territories, a witness stated the following:

"As to the preservation of the environment, the army comes to areas which are beautiful and picturesque in the suburbs and just dumps the sewage water or the sewage refuse in those peripheral areas, not taking at all into consideration the damage that this might cause to the houses. Often, that used to take place during the curfews at night and in the morning, with the protection of the army and the police, without taking any due account of what people might think." (anonymous witness no. 2, A/AC.145/RT.634/Add.1)

427. Another witness described his own experience regarding measures harmful to the environment:

"I have about 2,000 square metres of olive trees. The occupation authorities have switched their sewage into this area. We have tried to stop this, but, of course, they still did it and are still doing it. We think that it is meant to undermine our health." (anonymous witness no. 4, A/AC.145/RT.634/Add.1)

428. The Special Committee was given the following explanation of the implications of the uprooting of olive trees for the population of the occupied territories:

"The occupation authorities and the settlers, under the protection of the army have, since 13 September 1993 until yesterday, uprooted 4,375 producing olive trees. This is a high figure and the uprooting takes place in spite of the peace process and the talks that are going on. The day before yesterday, Israel announced that 400 olive trees were going to be uprooted in Awarta in the province of Nablus.

"We all know, of course, that the Palestinian community is an agricultural society and depends for its income essentially on the export of olive oil to other countries. Every uprooted tree means the loss of about 2,000 Jordanian dinars. In addition to that, the olive tree is very important to us Palestinians, as it is a blessed tree."
(Mr. Nadim Hammouda, witness no. 16, A/AC.145/RT.638)

429. The Director-General of the Land and Water Establishment for Studies and Legal Services provided the Special Committee with detailed information concerning the situation of water resources in the occupied territories:

"As far as the situation of Palestinian water is concerned in the occupied Palestinian territories, as you know, the Palestinian reserves of water amount to about 600 million cubic metres. The Israeli authorities control 85 per cent of that water reserve. The Palestinians control 15 per cent. The rate of consumption of the Palestinians and the Israelis is 1 to 3. There is also discrimination in the price of water. The settler buys a cubic metre of water for 0.6 US dollar. The Palestinian pays 1.6 US dollars for his own water and he cannot obtain as much water as he needs. If you visit the occupied territories, what you can note is that the Palestinians, at least for about 50 per cent of their needs, have to rely on the watershed wells. These are the places where winter rain water is collected. There is no water network in more than 50 per cent of the

areas where the Palestinians live in the occupied territories. But it is visible that the situation is different as regards the settlements. When you pass along a settlement, regardless which one it is, you can see that there are swimming pools and you feel that a lot of water is going to waste. Next to that, you see Palestinian villages which do not have enough drinking water. People are deprived even in the villages where there is a water network because it can happen that water is disconnected, sometimes for months. The pretext would be that there are repair works to be done. But this is when repairs have to be done to the settlers' network, then water from the Palestinian network is disconnected for the use of the settlers." (Mr. Khader Shkirat, witness no. 15, A/AC.145/RT.638)

430. Accounts of the economic and social situation prevailing in the occupied territories may be found in documents A/AC.145/RT.634 (Mr. Neve Gordon), A/AC.145/RT.634/Add.1 (anonymous witness), A/AC.145/RT.634/Add.1 (anonymous witness), A/AC.145/RT.635 (Mr. Mohamed Omar), A/AC.145/RT.636 (Mr. Mazen Gamil Shaqurah), A/AC.145/RT.638 (Mr. Khader Shkirat), A/AC.145/RT.638 (Mr. Nadim Hammouda), A/AC.145/RT.639 (Mr. Bassem Eid) and A/AC.145/RT.641 (Mr. Mahmoud Jabarin).

Written information

431. On 7 April 1994, following the closure of the territories, the Israeli police arrested 166 illegal Palestinian workers in Israel. The punishment for the offence included a 48-hour arrest and a fine up to approximately $330. (Ha'aretz, 8 April 1994)

432. On 8 April 1994, Abu Shukor, a Palestinian economist and member of the Palestinian negotiating team, was reported to have estimated at $289 million the total losses incurred during the first 35 days of the closure of the territories. He also pointed out that the Israeli economy had lost even more as a result of barring Palestinian workers from entering the Green Line. (The Jerusalem Times, 8 April 1994)

433. On 10 April 1994, the Cabinet voted to import over 18,000 foreign construction and agricultural workers for six months, in a bid to reduce reliance on Palestinian labour during an open-ended closure of the territories. (Jerusalem Post, 11 April 1994; also referred to in Al-Tali'ah, 14 April 1994; The Jerusalem Times, 15 April 1994)

434. On 11 April 1994, 27 Palestinian workers were arrested in Israel despite the closure of the territories. A number of them were wanted by the GSS and the police. (Ha'aretz, 12 April 1994)

435. On 17 April 1994, upon the recommendation of the Minister of Agriculture, Ya'acov Tsur, the Cabinet agreed to allow 4,500 Palestinians aged over 35 to return to their jobs in agriculture. Approximately 16,000 Palestinians, such as businessmen, attorneys, journalists, members of medical teams and persons requiring hospital treatment would also be allowed to cross the Green Line regularly, as long as they were not employed inside Israel proper. The Cabinet also agreed to allocate an additional $10 million for a public works programme

inside the territories aimed to offset the effects of the closure. (Ha'aretz, Jerusalem Post, 18 April 1994)

436. On 18 April 1994, it was reported that the Negev District police had raided factories and other businesses in the region that had illegally employed residents of the territories. Forty residents were detained, most of them from the Hebron area and Gaza. (Among them, 26 were sentenced to five months' imprisonment and the payment of a fine amounting to $1,300.) (Jerusalem Post, 18 April 1994; also referred to in The Jerusalem Times, 22 April 1994)

437. On 21 April 1994, 26 residents of the territories who did not have permits to stay in Israel were arrested near Kafr Tamra. Most of them were from the Jenin area. (Jerusalem Post, 22 April 1994)

438. On 21 April 1994, Palestinian economists estimated the rate of unemployment in the Gaza Strip at more than 80 per cent and the losses incurred during the previous two months because of the siege at over $150 million. The Israeli authorities have granted 5,000 permits for Palestinian labourers to work in Israel. Palestinian economists pointed out that 150,000 Palestinians used to work within the Green Line before the intifadah. This figure was reduced to 50,000 during the intifadah and decreased further to 20,000 before the Hebron massacre. (Al-Tali'ah, 21 April 1994)

439. On 24 April 1994, Prime Minister Rabin approved an additional 4,000 permits for Palestinians to work in agriculture and industry in Israel. The Labour Ministry indicated that the decision would bring to 8,500 the number of Palestinians currently allowed into the country. The new permits would be issued to married Palestinians aged over 27 who had been working in Israel for over five years. Some 52,000 Palestinians had been working inside the Green Line before the closure. Some 30,000 to 40,000 used to work without licences. (Ha'aretz, Jerusalem Post, 25 April 1994)

440. On 6 May 1994, it was reported that, according to Dr. Theodore Tulchinsky, the coordinator for the Ministry of Health in the territories, the Palestinian leadership in Gaza and Jericho had made it clear to the Ministry that, even under autonomy, it wanted to continue cooperation at all levels in order to ensure decent health services for the residents. This would apply in particular to patients who could not be treated in local hospitals. (Jerusalem Post, 6 May 1994)

441. On 8 May 1995, the issuing of an additional 4,000 work permits for residents of the territories was approved by the Cabinet. Half would work in agriculture, 500 would work in the tourism sector, while the remaining 1,500 would work in industry. No permits would be issued to construction workers. (Jerusalem Post, 10 May 1994)

442. On 10 May 1994, the Israel Electric Corporation (IEC) decided not to cut off power to the Gaza Strip, after reaching an agreement with Prime Minister Yitzhak Rabin that the issue would be resolved by the Civil Administration. On 8 May, IEC had threatened to cut off power to the Gaza Strip unless it received the Palestinian Authority's guarantee to cover payment for Gaza's accumulated

debt of amount $12.3 million. (Ha'aretz, 9 May 1994; Jerusalem Post, 9, 11 May 1994)

443. On 17 May 1994, it was reported that the Association of Israeli-Palestinian Physicians for Human Rights had called on the Government to continue supporting the health systems in Gaza and Jericho until the Palestinians there were able to run them independently. (Jerusalem Post, 17 May 1994)

444. On 23 May 1994, it was reported that the IDF coordinator of activities in the territories, Maj. Gen. Danny Rothschild, had privately urged the Govermnent to lift the closure of Gaza for persons with permits to work in Israel. He had noted that none of the Palestinian "terrorists" who had killed Israelis was among the estimated 20,000 persons who possessed work permits. (Jerusalem Post, 23 May 1994)

445. On 27 May 1994, an official of the Palestinian Health Council in Gaza stated that patients were still being transferred to Israeli hospitals. However, according to an agreement between the Palestinian Authority and Israeli hospitals, the latter would pay all the expenses. (The Jerusalem Times, 27 May 1994)

446. On 29 May 1994, the Cabinet approved the joint plan to reduce housing prices presented by Housing Minister Binyamin Ben Eliezer and Finance Minister Avraham Shohat and authorized the import of 25,000 foreign construction workers. The Cabinet also agreed to allow 13,000 additional construction workers from the territories to start working in Israel. (Ha'aretz, Jerusalem Post, 30 May 1994)

447. On 29 May 1994, it was reported that Agriculture Minister Ya'acov Tsur had decided to delay the free movement of agricultural produce from the autonomous areas into Israel, until a system of compensation for Israeli farmers was established. Under the Cairo and Paris agreements, only certain fruits and vegetables were to be allowed into Israel from the autonomous regions in the initial stage. Other items such as poultry and cucumbers were to be permitted in gradually over the next five years. (Jerusalem Post, 29 May 1994)

448. On 31 May 1994, it was reported that the Labour Law Enforcement Unit of the Labour and Social Affairs Ministry had recently expelled 203 illegal construction workers from the territories. All were returned to the territories except for 15 persons whom the police and GSS had barred from entering the country for security reasons. They remained under arrest. (Jerusalem Post, 31 May 1994)

449. On 31 May 1994, the Civil Administration paid the last salaries to its 7,600 Gazan employees. The Palestinian Authority was looking for funds to continue paying the workers, who became its employees. According to Capt. Hannie Yeshurun, the spokeswoman for the coordinator of government activities in the territories, the Civil Administration spent some $6.7 million each month on salaries for 18,000 workers doing jobs provided by the Civil Administration through the municipalities. Salaries came almost entirely from taxes paid to the Civil Administration by Gazans. (Jerusalem Post, 1 June 1994)

450. On 31 May 1994, it was reported that the army had informed the Labour and Social Affairs Committee that 300 residents of the Gaza Strip who were ill with cancer had received treatment in Israeli hospitals since 17 May. According to Health Ministry official Dr. Yitzhak Berlovitz, patients who had been issued a guarantee of payment from the Palestinian self-governing authority would continue to be treated in Israel under the same conditions as before the autonomy. (Jerusalem Post, 31 May 1994)

451. On 2 June 1994, Maj.-Gen. Danny Rothschild, the coordinator of government activities in the territories, stated that an administrative vacuum had been created since the Israeli Civil Administration moved out of Gaza and Jericho in May because the Palestinian leadership had failed to appoint a responsible administration, despite the fact that Israel had left behind a staff of 7,000 Palestinians to run the area's day-to-day economic activities. Moreover, the (Palestinian) leadership did not realize the extent of the area's dependence on Israel for basic services and had cancelled contracts for electricity, water, telephone, medical services and equipment maintenance. Rothschild noted that Israel had left the entire infrastructure and equipment that were there, a three-month supply of food and medicines, and salaries for one month. (Jerusalem Post, 3 June 1994).

452. On 5 June 1994, the Israeli Cabinet agreed to almost double the number of Palestinians who would be given permits to work inside Israel proper, despite the ongoing closure of the territories. Some 8,000 to 10,000 Palestinians would be permitted to work in the field of construction, while an additional 3,000 would work in agriculture. So far, an estimated 16,000 Palestinians had permits to work inside the Green Line. (Ha'aretz, Jerusalem Post, 6 June 1994)

453. On 5 June 1994, the Israel Electric Corporation (IEC) received about $14 million to cover the payment of the Gaza Strip's accumulated debt to the company. The Civil Administration payment covered the Gaza Strip's debt until mid-May. Approximately one month earlier, the IEC had threatened to cut off power in Gaza after repeated notices to the local authorities either to pay or guarantee payment of the area's accumulated debt. (Jerusalem Post, 6 June 1994)

454. On 9 June 1994, it was reported that Israeli Arab leaders were calling on the Government to restrict the sale inside the Green Line of certain products manufactured by Palestinians in the autonomous areas. As many as 4,000 Israeli Arab jobs could be lost over three years as a result of such competition, because certain products could be manufactured at a much lower cost in the Gaza Strip and the West Bank than in Israel. (Jerusalem Post, 9 June 1994)

455. On 9 June 1994, a police spokeswoman indicated that the police in the northern region of Israel were continuing to crack down on the residents of the territories found inside the Green Line. In the previous week, more than 200 residents of the territories had been arrested and returned to the territories. Tough measures were also being taken against employers who permitted or encouraged those without permits to stay in Israel. (Jerusalem Post, 9 June 1994)

456. On 12 June 1994, the Cabinet voted to increase the number of Palestinians permitted to work in Israel by another 10,000. With the Cabinet approving

13,000 new work licences a week earlier, it is estimated that the total number of Palestinians now permitted to work in Israel was 35,000 to 39,000, bringing the level approximately to that reached before the Hebron massacre. (Jerusalem Post, 13 June 1994)

457. On 12 June 1994, it was reported that during the previous days the police had arrested 909 Palestinians who did not have permits to enter or work in Israel. Forty employers who had illegally employed workers from the territories were fined about $700 for each illegal worker. (Jerusalem Post, 12 June 1994)

458. On 19 June 1994, the Israeli Cabinet for the third consecutive week increased the number of Palestinians permitted to work inside Israel. Some 10,000 additional permits were issued, bringing the number of permits to 55,000 from 16,000 one month earlier Before a wave of stabbings resulted in the closure of the territories in March 1993, 120,000 Palestinians used to work in Israel. Meanwhile, the Interior Ministry approved a total of 14,644 work permits for foreign labourers in the construction industry who have arrived mostly from Romania, Bulgaria and Thailand. Licences for additional 3,404 foreign workers were approved for the agricultural sector. (Ha'aretz, Jerusalem Post, 20 June 1994)

459. On 22 June 1994, inspectors of the Labour and Social Affairs Ministry arrested 24 Arab workers from the territories who were illegally employed in Maitar, near Beersheba. The workers had neither work permits nor permission to be in Israel. Four employers were fined about $700 for each illegal worker. (Jerusalem Post, 23 June 1994)

460. On 20 July 1994, Deputy Defence Minister Mordechai Gur told the Knesset that only 19,000 of the 35,000 Palestinians from the Gaza Strip who had work permits actually worked in Israel. Gur was responding to demands that the Government allow more Palestinians to work in Israel because of the desperate economic situation in Gaza. (Jerusalem Post, 21 July 1994)

461. On 1 August 1994, the Ministry of Agriculture announced that it would open markets to most agricultural produce from the territories, as agreed within the framework of the economic agreement signed by Israel and the PLO. Most agricultural products would be allowed to enter, although quotas were imposed on the import of Palestinian tomatoes, potatoes, cucumbers, melons, poultry and eggs. The quotas would be removed in four years. The army would conduct routine checks of Palestinian trucks carrying fresh produce into Israel. (Jerusalem Post, 2 August 1994; also referred to in The Jerusalem Times, 5 August 1994)

462. On 4 August 1994, it was reported that the Palestinian employees of St. John's Ophthalmological Hospital in Jerusalem had asked the Israeli labour union Histadrut to help them negotiate a better wage agreement with the hospital's management. The workers were threatening a general strike if the management failed to grant them conditions equal to those applied in other hospitals within Israel. Following the request, the Jerusalem Labour Council wrote to the management at St. John's demanding that it begin negotiations immediately. The staff at St. John's includes 150 Palestinians who reside in Jerusalem and in the territories. (Jerusalem Post, 4 August 1994)

463. On 11 August 1994, 10 Palestinian doctors, residents of the autonomous area and of the West Bank, completed a special course at the Soroka Hospital in Beersheba. The courses were offered in fields that ranged from general medicine to hospital management. (Ha'aretz, 12 August 1994)

464. On 12 August 1994, it was reported that Dr. Rahada Shaweh, manager of the Gaza Children's Hospital and member of the Palestinian Authority (PA), had stated that the PA did not have the money to pay for treatment given to Gazan children in Israeli hospitals. Under an agreement between the PA and Israeli hospitals, which was valid until the end of August 1994, children from Gaza could be sent for treatment to Israeli hospitals as long as the PA paid the bill. According to Shaweh, in June, 154 children from the Gaza Strip suffering from cancer and other serious illnesses were referred to hospitals in Israel, while 248 children were sent to Israel for treatment in July. (Jerusalem Post, 12 August 1994)

465. On 12 August 1994, it was reported that for the past three months, the Israeli water company, Mekorot, had been diverting the flow of water from Ubediyyah to the nearby Israeli settlements of Maaleh Adumim and Mikdar. The Palestinian villagers now have to collect water from wells scattered in the nearby mountains, which has given rise to diseases owing to water contamination. (The Jerusalem Times, 12 August 1994)

466. On 14 August 1994, the Cabinet approved an increase in the number of Palestinians allowed to work inside the Green Line in Isreal to 63,750, which represented the largest number since the territories were first closed off 18 months earlier. The construction and agriculture industries have been traditionally supportive of increasing the Palestinian labour force. Spokesmen for the construction industry stated recently that a saturation point had been reached owing to the injection of foreign labour from Europe. Until a wave of fatal stabbings, which took place in March 1993, about 120,000 Palestinians worked in Israel either legally or illegally. (Jerusalem Post, 15 August 1994)

467. On 14 August 1994, a municipal spokesman stated that the Education Ministry had given its approval for the construction of 180 new classrooms for Arab pupils in Jerusalem as part of a three-year plan to upgrade their schools. Mayor Ehud Olmert praised the decision as an important step towards reversing years of neglect in the development of Arab schools in the city. The city recently sent letters to some 1,000 parents of Arab pupils, telling them that they would have to remain in private schools until new classrooms were built. About 21,000 Arab pupils attend classes in city schools, as compared with about 28,000 who are enrolled in private schools run by churches and the Wakf (the trustee of Muslim properties). The first 60 of the new classrooms were slated for construction the following year, with an additional 60 classrooms to be built during each of the subsequent years. (Jerusalem Post, 15 August 1994)

468. On 18 August 1994, the Labour and Social Welfare Ministry announced that some 25,000 Palestinians from the Gaza Strip who worked in Israel would receive social benefits as of the following month. The benefits, as part of their wages, would be deposited directly into their bank accounts rather than being issued as cheques, which was the mode of payment until that time. The social

benefit funds would be deposited through the Bank of Palestine in Gaza. (Jerusalem Post, 19 August 1994)

469. On 18 August 1994, Foreign Minister Shimon Peres reportedly stated, during a meeting with the Norwegian Foreign Minister Bjorn Tore Godal, that Israel would transfer 75 per cent of all tax revenues the Civil Administration had collected to the Palestinian Authority, once the Authority had established a tax collection agency. (Jerusalem Post, 19 August 1994)

470. On 26 August 1994, Palestinian sources reported that Israeli soldiers had arrested scores of Palestinian labourers at the Zar'een junction inside the Green Line. Each man was fined 450 shekels before being released. The soldiers claimed that the permits issued by the Civil Administration allowed the workers to enter the Green Line but did not allow them actually to work. (The Jerusalem Times, 26 August 1994)

(e) Other developments

471. No information is available under this heading.

2. Measures affecting certain fundamental freedoms

(a) Freedom of movement

Oral evidence

472. The Director of the Association of Israeli-Palestinian Physicians for Human Rights described to the Special Committee how the closure of the occupied territories had affected the freedom of movement of medical staff:

> "Sixty per cent of the workers in East Jerusalem hospitals live in the West Bank. So, with every closure, every time the movement of the medical staff is restricted, the situation of the hospitals is very bad and they have a hard time functioning because a high percentage of the staff cannot reach them. Every time a closure is put on again effectively, the doctors and the medical staff must get new permits. This takes time. There are always a few days elapsing immediately after a closure is put into effect until people get their new permits. For example, after 25 February, it took us five days to get the medical staff into East Jerusalem on a regular basis. On 7 April, the same thing happened again. Every time, they need new permits and working days are lost. Here, we are talking about hundreds of working days lost for medical staff.
>
> "Now, going back to the closure, I must say that while we are sitting here, more than 30, or closer even to 50, medical staff are not given permits to enter East Jerusalem, for what Israel calls 'security reasons' and what we call political affiliation. These are people who are most likely affiliated with groups like the Popular Front or Hamas. Israel does not let them enter Israel or East Jerusalem, but, on the other hand, it does not try them for any activity that they have done. We believe that if

Israel does want to restrict their movements, it has to do it through its court system." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

473. A witness who testified before the Special Committee described how the restriction of the freedom of movement can cost someone their life:

"An Arab lady from the village of Yatta, belonging to the Abu Zhara family, was suffering from a very heavy haemmorhage. She was 22 years old. She was taken from the area of Yatta to the government hospital of Yahya. Just before she arrived at the hospital, the ambulance was stopped at a checkpoint for more than 20 minutes, without any reason ... When she actually arrived at the hospital, she was extremely weak and about half an hour later, she died." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.640)

474. A witness who testified before the Special Committee described the freedom of movement in the Gaza Strip:

"I live in Gaza. If I want to go from Gaza to Rafah, I have probably to go through 10 checkpoints before I get there and the trip that would normally take half an hour takes about four hours, identity cards, searching of the car, questions, where are you going, what are you going there for, etc ... and they are telling us that they are going to give us Gaza and Jericho! So, how can we go from Gaza to Jericho?" (Mr. Yahya Ahmed Yahya, witness no. 9, A/AC.145/RT.635)

475. A field researcher from the Palestine Human Rights Information Centre provided the Special Committee with the following information concerning the freedom of movement of members of human rights organizations who wanted to investigate the Hebron massacre:

"All the human rights organizations which tried to investigate the Hebron massacre as well as other violations of human rights failed when they tried to obtain a permit from the authorities. The authorities would refuse to give them any help or any assistance. In most cases, when the authorities are informed of an incident, they impose a military siege on the region. They declare the region a closed military zone, access into which is denied. When the massacre in Hebron happened, no organization was allowed to investigate until, I think, a month later. The representatives of these organizations were not allowed even to come near the place where the massacre had taken place." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.641)

476. One witness described the situation at military checkpoints:

"At the barricades put up by the Israeli army, people can have to wait for an hour, or two, without being asked anything. And they are driven away in the end." (anonymous witness no. 23, A/AC.145/RT.642/Add.1)

477. Testimonies referring to the restrictions on the right to freedom of movement may be found in documents A/AC.145/RT.634 (Mr. Neve Gordon), A/AC.145/RT.635 (Mr. Yahya Ahmed Yahya), A/AC.145/RT.640 (Mr. Mahmoud Jabarin),

A/AC.145/RT.641 (Mr. Mahmoud Jabarin) and A/AC.145/RT.642/Add.1 (anonymous witness).

Written information

478. On 7 April 1994, Palestinians from the territories were barred from entering Israel, including East Jerusalem. The ban also applied to all the workers who had a work permit (only 13,000 after the Hebron massacre on 25 February) and all vehicles from the territories. At the same time, police launched an operation to locate all Arabs from the territories within the Green Line and escort them back to their homes. (Ha'aretz, 8 April 1994; Jerusalem Post, 8, 11 April 1994; also referred to in The Jerusalem Times, 15 April 1994)

479. On 8 April 1994, it was reported that the Palestinian Medical Union had organized a demonstration near the Dahiet El Barid checkpoint, north of Jerusalem, to protest the prohibition of their entrance into Jerusalem by the Israeli authorities. Doctors, nurses and employees in the health sector were denied entrance to Jerusalem and thereby to their hospitals and laboratories. (The Jerusalem Times, 8 April 1994)

480. On 9 April 1994, 20 doctors were reportedly barred from reaching the Augusta Victoria Hospital on the Mount of Olives in Jerusalem. Some doctors from the nearby Makassed Hospital managed to pass through roadblocks after a five-hour delay. In Gaza, the Palestine Health Council spokesman, Dr. Riyadh Zanoun, stated that 16 Palestinians suffering from cancer and other illnesses had been turned back at roadblocks since 8 April, which prevented them from reaching hospitals in Israel for chemotherapy and other treatment unavailable in Gaza. The army maintained that ambulances and medical staff were permitted past roadblocks into Israel despite the closure and that it was checking the reports to the contrary. (Ha'aretz, Jerusalem Post, 10 April 1994)

481. On 15 April 1994, the Association of Israeli-Palestinian Physicians for Human Rights had reportedly asked the St. Yves Society, a Catholic society for human rights, to obtain legal assistance in order to put an end to measures taken by the Israeli authorities that prevented medical aid from being provided to Palestinians in the occupied territories under curfew. (The Jerusalem Times, 15 April 1994)

482. On 17 April 1994, a delegation of Israeli Muslims and Muslims from the territories crossed the Allenby Bridge to participate in Jordan's celebration following the completion of the restoration of the Dome of the Rock cupola. (Jerusalem Post, 18 April 1994)

483. On 22 May 1994, it was reported that, following the killing of two IDF soldiers near the Erez checkpoint in the Gaza Strip, Palestinians would not be allowed to leave Gaza for Israel until the Palestinian police had set up its own checkpoint a few metres before the Israeli one and guaranteed that Palestinians were not carrying weapons. (Ha'aretz, Jerusalem Post, 22 May 1994)

484. On 26 May 1994, it was reported that (following the detention of five Jews in Jericho by Palestinian police on 24 May) OC Central Command

Maj.-Gen. Ilan Biran issued orders allowing Palestinians free passage into and out of Jericho, while Jews would now be allowed into the city only if they remained on Route 90, which passed through it. (Jerusalem Post, 26 May 1994)

485. On 26 May 1994, it was reported that more than 15 mobile military checkpoints were being periodically erected at the boundaries borders of Hebron in addition to those already existing permanently between Hebron and Bethlehem. Military checkpoints were also reportedly being set up on the Wad Al Nar road. (Al-Tali'ah, 26 May 1994)

486. On 9 June 1994, it was reported that the Israeli authorities were procrastinating in delivering visitors' permits to the residents of Gaza, particularly those living in Jordan. (Al-Tali'ah, 9 June 1994)

487. On 10 June 1994, it was reported that Sheikh Bitawi, 52, an Islamic leader and religious judge, who had been expelled along with more than 400 Palestinians to southern Lebanon in 1992, had received a green identity card that would not allow him to enter Jerusalem until the end of 1994. (The Jerusalem Times, 10 June 1994)

488. On 11 June 1994, Police Minister Moshe Shahal stated that, as another measure to ease the closure, Prime Minister Yitzhak Rabin had authorized all Palestinian women as well as boys (from the West Bank) under the age of 16 to enter Israel. (Ha'aretz, Jerusalem Post, 12 June 1994)

489. On 21 June 1994, the Association for Civil Rights in Israel stated in its annual report that the GSS was increasingly withholding travel permits from residents of the territories who refused to collaborate with the Israeli authorities. The growing number of complaints indicated that the problem was getting worse, possibly due to the closure of the territories, which had made people much more dependent on the permits. (Jerusalem Post, 22 June 1994)

490. On 23 June 1994, Jordan urged the world community to persuade Israel to make it easier for Palestinians to enter the territories and the self-rule areas by way of the Allenby Bridge. According to Jordanian Minister of the Interior, Salameh Hammad, there had been no change in Israeli policy at the bridge crossing since the beginning of Palestinian autonomy and he demanded that Israel extend the legal working hours for Palestinians employed in Israel and ease the bureaucratic procedures. More Palestinians use the bridge during the summer, which caused major congestions and allowed only 2,000 Palestinians to enter each day. (Jerusalem Post, 24 June 1994)

491. On 27 June 1994, it was reported that Israel had agreed to relax its control at border crossings and increase the number of hours that the Allenby Bridge would be open from 7 hours a day to as many as 24. (Jerusalem Post, 27 June 1994)

492. On 7 July 1994, it was reported that the IDF had arrested 46 Palestinian workers in Kalkiliya alleging that they intended to enter Israel without a permit. According to one of the workers, Mahmoud Al Shaer, they were all taken to the police station where they were beaten by policemen and forced to admit that they were trying to enter Israel unlawfully. (Al-Tali'ah, 7 July 1994)

493. On 18 July 1994, Prime Minister Yitzhak Rabin indicated that Israel would not change the procedures by which Palestinians were granted work permits, and that Palestinian labourers would continue to be admitted through the Erez checkpoint in accordance with their security clearance. (Ha'aretz, Jerusalem Post, 19 July 1994)

494. On 20 July 1994, Ahmed Qureia (Abu Ala), the Palestinian Minister of the Economy, was banned from attending a gathering of investors in Jerusalem. According to Oded Ben-Ami, Prime Minister Yitzhak Rabin's spokesman, Qureia was barred from entering because the conference was held in Jerusalem rather than the self-rule areas Gaza or Jericho. (Jerusalem Post, 21 July 1994; also referred to in The Jerusalem Times, 22 July 1994; Al-Tali'ah, 27 July 1994)

495. On 20 July 1994, the Ministerial Committee on Legislation announced that it would submit a bill to the Knesset to prevent the Palestinian Authority from operating in Jerusalem (also referred to in The Jerusalem Times, 22 July 1994). Justice Minister David Liba'i stated that the bill was not meant to prevent Arab residents of the city from engaging in any legal political activity. According to the bill, the Palestinian Authority would have to obtain written permission to establish any offices within Jerusalem. (Jerusalem Post, 21 July 1994)

496. On 22 July 1994, it was reported that IDF and PLO representatives met in Gaza in order to improve the procedures at the four Palestinian checkpoints channelling Palestinians to the Erez checkpoint prior to entering Israel. The Palestinians would increase the number of policemen deployed at the checkpoints and up to 500 labourers at a time would be allowed to proceed to the Erez checkpoint (also referred to in The Jerusalem Times, 22 July 1994). Those who are seeking permits would have to wait until 8 a.m. until the flow of workers with permits decreased. Israel agreed to speed up the opening of a new checkpoint to process 20,000 labourers. (Jerusalem Post, 22 July 1994)

497. On 24 July 1994, Col. Shaul, the commander of the northern sector of the Gaza District, stated that the Erez checkpoint for entry from Gaza to Israel was being run under new procedures, based on the conclusions drawn from the Erez checkpoint riots. Both Israel and the Palestinians increased the number of their forces at the checkpoint. The Palestinians were screening the workers more carefully to make sure that they had work permits before they arrived at the checkpoints, where Israel had doubled the number of queues the workers could pass through. In the morning, between 16,000 and 18,000 workers from Gaza passed through the checkpoints to their jobs in Israel. (Ha'aretz, Jerusalem Post, 25 July 1994)

498. On 3 August 1994, it was reported that, following an appeal to the High Court of Justice, Ziad Abu Nada, from the Gaza Strip, had been allowed by the security forces to come into Israel in order to obtain a visa from the German Consulate in Tel Aviv in order to go to study in Germany. (Ha'aretz, 3 August 1994)

499. On 10 August 1994, it was reported that Palestinian residents of the West Bank, even those residing in villages surrounding Hebron, were prevented from entering the city. Residents described Hebron as being similar to the city of

Jerusalem because of the numerous military checkpoints erected at its entrances as well as inside the city itself. (Al-Tali'ah, 10 August 1994)

(b) Freedom of education

Oral evidence

500. One witness provided the Special Committee with a detailed account of how the closure of the occupied territories had affected the freedom of education and, concomitantly, the freedom of movement of students and the administrative procedures they have to go through in order to obtain permits:

"First of all, there is the question of students and schools, that is education at all levels. There are 1,367 students from the Gaza Strip enrolled in the schools and institutes of the West Bank. Those students have, for the better part, been victims of arbitrary practices ranging from denial of permits to leave Gaza to denial of residence permits for the West Bank. I could even go as far as saying that all the students living in the Gaza Strip and registered in educational institutions in the West Bank have been deprived of the entire academic year. That is because of the policy of arbitrarily granting them permits either not to enter or to leave the West Bank.

"Very briefly, as I am not going to go into all the details of the procedure to get a permit, I'll just give you the description of the main steps that have to be undertaken before a permit can be given. Every student has to give the proof that he is enrolled in one of the institutes or schools of the West Bank. The students must have the magnetic card, which is a computerized card different from the identity card. It bears bar codes, like the ones we use for the sale of goods and products, so that people more or less become classified like good or products! At the Erez checkpoint, the magnetic cards are examined. Every student should have a totally clean security file as far as political charges, intifadah activities or any such involvement are concerned. The student also has to provide a certificate signed by the municipal authorities and the tax office indicating that he does not owe any money by way of municipal charges, fees or taxes. Once the student submits all those papers, he still has to wait for a number of weeks. Eventually, then, the student is given two permits, one to be used in order to leave the Gaza Strip and a second one, called the green permit, that he has to get stamped within 48 hours from the place he is going to in the West Bank. That stamp on the green permit is considered as tantamount to a permit of residence in the West Bank, notwithstanding the fact that the Declaration of Principles has considered Gaza and the West Bank as one geographical unit. Regarding the validation of the green permit, the students often have to face what could be considered as whimsical or arbitrary decisions on the part of those who have to stamp those permits. It is not legal, it depends of the mood of the policeman who is responsible for the stamping of the permit. During this time, the students often experience pressure brought against them by the intelligence officers in order to reveal aspects of political life in their communities back home in Gaza. Now that the student has his permit stamped, he is told that he has to renew it. The time that is set for him

to renew the permit of residence usually coincides with the semester exams." (Mr. Mazen Gamil Shaqurah, witness no. 12, A/AC.145/RT.636)

501. Overcrowding of schools has been a persistent problem in the occupied territories. A witness who testified before the Special Committee described it in the following manner:

"The number of pupils in each class is 54. Also, we do not have enough teachers. Israel insists that teachers should be from institutes and not from universities, despite the fact that we have qualified teachers." (anonymous witness no. 4, A/AC.145/RT.634/Add.1)

502. Testimonies on the restrictions to the right to freedom of education may be found in documents A/AC.145/RT.634/Add.1 (anonymous witness) and A/AC.145/RT.636 (Mr. Mazen Gamil Shaqurah).

Written information

503. On 5 April 1994, Attorney Tamar Peleg-Sarik of the Association for Civil Rights in Israel, filed an appeal with the High Court of Justice on behalf of 14 students from the Gaza Strip studying in universities of the West Bank, demanding that the Defence Minister and the IDF commandants in the territories allow these and an additional 1,100 students who find themselves in the same situation, to go to the West Bank in order to continue their studies despite the closure on the territories since 25 February. On 21 April 1994, it was reported that a second petition concerning the same subject had been filed by Attorney André Rosenthal. (Ha'aretz, 6, 21 April 1994)

504. On 8 April 1994, it was reported that Israeli soldiers had broken into the compound of Hebron University after students and soldiers had clashed at the entrance to the building. Two students were wounded by bullets after inhaling tear-gas. (The Jerusalem Times, 8 April 1994)

505. On 12 April 1994, Palestinian leaders called for Arab schools and colleges in Jerusalem to close for two days to protest the damage the closure of the territories was doing to the educational system in East Jerusalem. The educational leaders were particularly upset that teachers who lived in the territories but worked in Jerusalem were being denied entrance into the city. In the past, they were issued special permits to enter during a closure. Most Arab schools in Jerusalem had reportedly been forced to close since the closure was imposed on 7 April, because teachers could not come to work. (Jerusalem Post, 13 April 1994; also referred to in The Jerusalem Times, 15 April 1994)

506. On 27 May 1994, it was reported that the Palestinian authorities had received a list of 555 students from the Gaza Strip (out of 1,300) who were allowed to go back to their studies in the West Bank. The students were previously prevented from returning to the West Bank owing to the closure of the Gaza Strip. (Ha'aretz, 29 May 1994)

507. On 24 August 1994, Israeli and Palestinian negotiators initialled in Cairo an overall agreement transferring part of Israel's Civil Administration to the Palestinians. The transfer of administration regarding education in Ramallah

was to be followed by a similar transfer in Nablus, Jenin, Bethlehem and Hebron on 28 August, affecting the lives of 60 per cent of the Palestinian population who had so far been unaffected by self-rule in Gaza and Jericho. The Palestinian Education Department was reportedly due to start functioning on 29 August 1994. The coordinator of government activities in the territories, Maj.-Gen. Danny Rothschild, said on Israel Radio on 21 August that control over education could be transferred because it was relatively inexpensive compared with the other spheres. (Ha'aretz, 28 August 1994; Jerusalem Post, 22, 28 August 1994)

508. On 25 August 1994, the school system in Nablus was handed over to Palestinian control. The handover in Nablus followed the first transfer of a school system a day earlier (on 24 August) in Ramallah. Palestinians also took control of the school system in Jenin, Tulkarm and Kalkiliya on the same day, and in Bethlehem and Hebron on 28 August 1994. The entire educational system was due to be in Palestinian hands by 29 August, just before the beginning of the school year on 1 September. (Jerusalem Post, 26 August 1994)

(c) Freedom of religion

Oral evidence

509. A person who was wounded during the massacre perpetrated at the Ibrahimi Mosque in Hebron told the Special Committee what had happened on the eve of the incident:

> "One day before the massacre and between the maghreb and the isha prayers (that is the prayer at sunset and the one after it), we were at the mosque holding the prayers. But, they barred us from entering the mosque, men and women alike. That was the night before the massacre, on Thursday night. The pretext they used was that they had a religious feast they wanted to celebrate inside the mosque. But, we insisted that we were going to pray inside the mosque and they delayed the last isha prayer by about two hours." (Mr. Hosni Al Ragabi, witness no. 26, A/AC.145/RT.644)

510. The field researcher of the Palestine Human Rights Information Centre also described the situation at the Ibrahimi Mosque on the night before the massacre:

> "The night before the massacre, on 24 February at night, the settlers stormed the mosque and celebrated one of their feasts. We call it the masquerade festival. They celebrated in the mosque the night before the massacre and prevented anyone who wanted to go and pray there from going in. That happened in the presence of the army. The soldiers let the settlers do what they wanted and prevented the worshippers from going into the mosque. The same night, there were confrontations with the citizens who wanted to pray and were prevented from entering the mosque. Shooting took place and tear-gas was thrown. When the settlers had finished their festivities inside the sacred place, only then were the worshippers allowed to go in. The massacre happened at dawn the next day."
> (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.640)

511. The same witness spoke to the Special Committee about the general situation at the Ibrahimi Mosque:

> "Since 1967 until now, the Ibrahimi Mosque in the city of Hebron is entered by the settlers. They enter there and they do what they like. In fact, during that same period, the settlers several times have attacked people, people inside the mosque, people who work at the mosque. The Awqaf (religious affairs department) have addressed their complaints to the Israeli authorities in order to make them stop those settlers from attacking those who are praying inside the mosque. But that was to no avail. Always they enter the mosque with their weapons." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.640)

512. Mr. Jabarin described to the Special Committee the general situation concerning the freedom of religion in the Hebron area:

> "Regarding clerics and their right to perform religious duties and to read the prayers, there are hundreds of cases where clerics have been prevented - as well as worshippers - from reaching the place of worship. There are many, many cases. We cannot give you an account of them. Normally, it happens on Fridays and on days of particular religious celebrations or occasions and the mosques are surrounded. Since I live in Hebron and deal with the Hebron area, I am speaking of that area in particular. In Hebron, many of these incidents do take place. People and clerics alike - even the ordinary people who would like to go for the prayers - are not allowed to pray on Fridays, or they are prevented from reaching the place. The army imposes a military siege around the sacred and holy places. The last incident, as you know, took place at the holy Ibrahimi Mosque, which is still closed since the massacre took place on 25 February 1994 up until now. The mosque is still closed to clerics and others who want to pray in it." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.641)

513. One of the persons injured at the Ibrahimi Mosque during the Hebron massacre with whom the Special Committee spoke at the King Hussein Medical Centre in Amman described how settlers interfered in the enjoyment of the freedom of religion:

> "When we go to pray and the settlers also go to pray, often they would hurl dirt at us, blow a trumpet to disturb us ... Even before the incident, the settlers were always harassing the people praying inside the mosque, especially on Fridays and on Saturdays." (Mr. Kamal Abdin, witness no. 29, A/AC.145/RT.644)

514. A housewife from Halhul told the Special Committee about restrictions concerning the freedom of religion, also referring to the Hebron massacre:

> "We are prevented from performing our morning prayers. It is not allowed for us to go and pray at the mosque. The idea is that they do not want any crowd gathering for prayers. If we go - sometimes we do manage to go to the mosque and pray - when they see us, they start throwing tear-gas at us, as well as sound bombs, bombs which make a noise only.

"The same thing that happened in Hebron could have happened in Halhul just before, during Ramadan also. Some settlers came towards the mosque while people were praying. But, all the people in Halhul came and surrounded the mosque and protected it - and protected the people inside - and they pushed the settlers back. They made them go back. But, it could have happened there.

"What happens is that the settlers come in cars. That day, it was one car. Normally, when the people are gathered in the mosque to pray, youth are standing outside the mosque guarding the streets that lead to the mosque. As soon as they saw the car with the settlers coming in, they started whistling. So, everybody was ready and stones were ready also. The settlers saw that they could not get near the mosque. So, they turned around and left.

"But, in Hebron, nobody would have expected anything to happen so early in the morning. It was the morning prayer, the Friday morning prayer. However, normally these measures are taken for the Friday noon prayer. In Hebron, with soldiers guarding the doors of the mosque, nobody would have expected that settlers could go in and do what they did." (Mrs. Soumaya Yaser Melhem, witness no. 21, A/AC.145/RT.642)

515. Testimonies on the restrictions to the right to freedom of religion may be found in documents A/AC.145/RT.640 (Mr. Mahmoud Jabarin), A/AC.145/RT.641 (Mr. Mahmoud Jabarin), A/AC.145/RT.642 (Mrs. Soumaya Yaser Melhem), A/AC.145/RT.642 (Mrs. Soumaya Yaser Melhem) and A/AC.145/RT.644 (Mr. Hosni al Ragabi).

Written information

516. On 11 April 1994, a march started towards the Ibrahimi Mosque in Hebron to protest the closure of the mosque. (The Jerusalem Times, 15 April 1994)

517. On 17 June 1994, it was reported that Maj.-Gen. Ilan Biran, the head of the Central Command, had confirmed that the Ibrahimi Mosque would not be open to either Jewish or Muslim worshippers for at least five weeks. Biran told the Israeli media that the mosque would be reopened only if a barrier were erected to separate the Muslim worshippers from the Jewish worshippers inside the Mosque and if a permanent Israeli checkpoint, reinforced with a large military force at the entrance to the Mosque compound, were installed to prevent clashes between the two groups. Biran subsequently added the clarification that work to construct special, separate entrances had not yet been completed. (The Jerusalem Times, 17 June 1994)

518. On 1 July 1994, the head of the Islamic Awqaf, Sheikh Suleiman Ja'abari, complained during a meeting with the French Minister of Religious Affairs that the Israeli Government was trying to confiscate 56 dunums of land belonging to the Awqaf located south of the Al-Aqsa Mosque. Ja'abari also stated that the Israelis were implementing a campaign to close down mosques throughout the occupied territories, in addition to the confiscation of Muslim religious property and cemeteries. (The Jerusalem Times, 1 July 1994)

519. On 26 August 1994, the head of the Islamic Awqaf in Jerusalem, Adnan Husseini, condemned the Jerusalem municipality's plans to carry out a tourist project on the Salludha land south-east of the Al-Aqsa Mosque. Husseini considered the continuation of works, which had started two months ago, "an attack and a desecration of the Al-Aqsa Mosque and the Islamic graves". (The Jerusalem Times, 26 August 1994)

(d) Freedom of expression

Written information

520. On 10 May 1994, it was reported that reporters covering the occupied territories and settlements had protested to Defense Minister Yitzhak Rabin, the Chief of General Staff Lt.-Gen. Ehud Barak, and senior IDF officers against the orders concerning the closing of certain areas, including Jericho, which prevented them from covering the withdrawal process. The journalists announced that they would petition the High Court if the closure orders were not rescinded. (Ha'aretz, Jerusalem Post, 10 May 1994)

521. On 15 May 1994, it was reported that the media coverage of the handover of Jericho to Palestinians on 18 to 20 May was only allowed after a successful petition to the High Court of Justice by the Foreign Press Association, which had claimed that its members were unable to work properly because the army was insisting that they travel in groups, escorted by soldiers. As a result, 15 journalists with foreign passports and foreign press cards who had signed a waiver absolving the army of responsibility for their safety were allowed to enter Jericho freely. However, local reporters who thought that they would also benefit from the High Court ruling were not permitted to enter Jericho. The Foreign Press Association had petitioned against the declaration of Jericho as a closed military area, which threatened to keep them away from the scene of a major story. (Ha'aretz, Jerusalem Post, 15 May 1994)

522. On 10 July 1994, the National Federation of Journalists and four reporters who cover issues relating to settlers petitioned the High Court of Justice over the army's decision to declare the Kiryat Arba neighbourhood, where settlers had broken into empty apartments, a closed military zone. According to the petition, the army's decision to close off the area because of a civil disturbance and not for security reasons was a grave violation of free speech and the public's right to know, as well as being in contravention of a promise made by the army in December to permit the coverage of all events taking place in the territories, except when there was a clear security risk. (Jerusalem Post, 11 July 1994)

523. On 27 July 1994, the owners of a private Palestinian television station stated that the IDF had closed it down and confiscated the equipment, on the grounds that it was broadcasting "inciteful" programmes. They added that soldiers detained and questioned the four owners of the Al-Ru'aa station in the town of Beit Sahur before releasing them on bail. According to one of the station's owners, Israel had licensed the station before it began broadcasting in mid-June. He also denied broadcasting any programme with a political content. (Jerusalem Post, 28 July 1994)

524. On 11 and 17 August 1994, some 10 to 20 Palestinian journalists demonstrated in support of the pro-Islamic weekly newspaper al-Bayan, which was closed by order of the Interior Ministry for being linked with Hamas. The newspaper, published under a licence issued five or six months earlier, appealed to an Islamic readership but claimed to enjoy editorial independence. (Ha'aretz, Jerusalem Post, 18 August 1994; also referred to in The Jerusalem Times, 12 and 19 August 1994)

3. Information on settlers' activities affecting the civilian population

Oral evidence

525. The Director-General of the Land and Water Establishment for Studies and Legal Services summed up the situation regarding settlers in the following manner:

> "We could summarize the situation by saying that the method most largely used after the signing of the Declaration consists of acts of aggression on the part of the settlers and the fact that the authorities do not do much about that or do not do anything at all." (Mr. Khader Shkirat, witness no. 15, A/AC.145/RT.638)

526. This is how one person who testified before the Special Committee viewed the problem of settlers:

> "From our experience under occupation for more than 26 years, we consider that it is not possible in any way to have peace without dismantling the settlements - a total dismantlement, especially inside the cities, as in Hebron, and in the areas densely populated by Arabs. There is a very simple reason for that: the settlers belong to that category of people who have rancour and who think only in terms of violence and bloodshed. If you ask the Israelis about them, often you will find that the Jews themselves reject the settlers." (anonymous witness no. 19, A/AC.145/RT.639/Add.1)

527. A field worker of the B'tselem human rights organization indicated that settlers have often acted with impunity. He described the problem in the following manner:

> "The massacre is not the problem, the main problem is the non-application of the laws regulating the Israelis living in the occupied territories. That is the direct reason which led to the Hebron massacre in the end ... There are two laws, one for the Palestinians and one for the Israelis and what is not allowed for the Palestinians is permissible for the Israelis." (Mr. Bassem Eid, witness no. 17, A/AC.145/RT.639)

528. A field researcher from the Palestine Human Rights Information Centre described a specific incident of settler violence in the occupied territories:

"I can give you an example regarding acts committed by the settlers. I recall now the case of Talal Rushdie El Bakri who was killed by the settlers on 4 December 1993, when a group of settlers established a stone barrier in the middle of the public road. When Talal Rushdie El Bakri passed by in a private car, the settlers stopped the car he was in and, without prior warning, they started beating him up, they opened fire at the car and this led to the death of the victim, who was 52 years old. In the same incident, two elderly persons who live in the area were injured while they were inside their home." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.640)

529. The same witness provided further information to the Special Committee about the violent acts perpetrated by settlers:

"Also, during the same month, the settlers killed three Arab citizens as they were coming back from work in Israel. The Arabs were from the village of Tarkumia. The accident happened on 10 December 1993 - without any reason.

"I can give you other examples of the acts of aggression, repeated acts of aggression, committed by the settlers against their neighbours the Arabs who live close to the settlements. In most cases, what happens is that the settlers prevent the Arab citizens from using their own lands which are situated around the settlements. For instance, in March 1994, a number of settlers from the settlement of Asfor (which has been established east of the village of Beit Sair, my own village, about 5 to 6 kilometres. from where I live) attacked a number of Arab people living in the area of Al Kanu, from the family of Shalalda. They stole and looted the houses, after stabbing one elderly member of the Shalalda family. He was stabbed repeatedly. They stole 100 sheep and took them to their settlement. ... Settlers are carrying out acts of terrorism by day and by night. In most cases, that takes place under the very nose of the Israeli soldiers.

"After the signature until 20 April 1994, I have documented more than 200 cases where the settlers have smashed cars belonging to Arabs at night and in front of their owners' houses." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.640)

530. The same field researcher provided the Special Committee with a detailed account of another killing committed by settlers and the attitude of the Israeli army on that occasion:

"One Arab labourer in Israel was coming back from his work in the area of Beit Jibrin. His name is Riad Suleima, 33 years of age. While he was coming back from work, an Israeli settler took a shot at him. He was injured. He had received three or four bullets. He fell to the ground. A number of other Arab workers saw him They were also coming back from work and they stopped next to him. They wanted to help him. Several eyewitnesses told me - and confirmed - that when they had reached the place where the incident had taken place, they saw the injured man and he was yelling at them 'Help me, I need help, please take me to the hospital!'. While they were trying to transport him to the hospital, a military police

car arrived. It was a car that was transporting prisoners. It stopped where they were. The soldiers threatened them at gunpoint that they should not help that man, although he was yelling for help. A few minutes after the incident, also a number of military cars arrived. The Arab labourers still tried to help the man, but the soldiers started beating them up, threatening them that they would be shot. The pretext was that they had called an ambulance and that they were waiting for the ambulance. The person who was injured continued bleeding for about an hour and he was yelling for help and there was nobody to help him. After one hour, an ambulance belonging to one of the settlements in the area arrived. There were two or three persons who were dressed in white, in a sort of medical uniform. According to what I heard from eyewitnesses who had been there, the soldiers kept asking the ambulance people whether the man was still alive. That is to say the soldiers were wondering and they kept asking the first aid personnel whether he was alive or not. Finally, the man was transported to hospital. About an hour later, he was confirmed dead." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.641)

531. This is what Mr. Jabarin told the Special Committee about the carrying of arms in the occupied territories:

"As far as weapons are concerned, the Arab citizens under occupation are not allowed to carry even a pair of nail scissors if the blade would be longer than two centimetres. They would be tried if one of them was to be found with a knife with a blade longer than two to three centimetres, whereas all the Israeli settlers, all of them, are armed, the women, the youth, the elderly, the men. All of them carry all forms of modern automatic weapons, without any reservations whatsoever on the part of the authorities." (Mr. Mahmoud Jabarin, witness no. 20, A/AC.145/RT.641)

532. At the King Hussein Medical Centre in Amman, the Special Committee heard the following testimony of a person who was injured during the Hebron massacre:

"At about 5.15 or 5.20, the prayer started. It is a tradition of the Muslims to read out one particular sura or chapter of the Koran called 'Al-Fajda' at the beginning of the Friday 'Al-fajr' prayer. It is so that whenever you reach a certain verse in that part of the Koran, you have to bow down even if it is not the time to do it in the prayer. So, as the person who was reading the prayer reached that point, we all bowed down. While we were bowing down, at that particular moment, we were surprised by the fire. When I say bowing down, I mean to say that the forehead is on the floor. The very first thought that came to my mind was that probably something was happening outside. I did not think that it was firing inside the mosque. I only realized that people were being shot at when I myself got hurt.

"I saw that one or two persons stood up in the front line and they were shot. The muezzin, the person who calls for the prayer - his name is Jamil Al Natshi - stood up, saying "God is great" and he got 21 bullets. He died on the spot." (Mr. Hosni Al Ragabi, witness no. 26, A/AC.145/RT.644)

533. Another witness who was also injured during the Hebron massacre informed the Special Committee about a complaint made by Muslim worshippers that was also mentioned in the report of the Commission of Inquiry into the massacre headed by Justice Shamgar:

> "On one occasion, the settlers put some acid on the carpets which ate its way through three carpets placed one on top of another in the praying section for the Muslims. A friend of mine and myself were hurt. We had burns on our feet, as we had been praying on the carpets that had acid on them." (Mr. Hosni Al Ragabi, witness no. 26, A/AC.145/RT.644)

534. A third person who was injured at the Ibrahimi Mosque on 25 February stated the following about the general behaviour of settlers in Hebron:

> "The settlers provoke people almost daily. They go down to the market. They smash the windows of the cars. They go to the fresh vegetable market and spill over the boxes full of vegetables." (Mr. Mohamed Youssef Mohamed, witness no. 28, A/AC.145/RT.644)

535. Accounts of the effect of settlers' activities on the civilian population of the occupied territories may be found in documents A/AC.145/RT.638 (Mr. Khader Shkirat), A/AC.145/RT.639 (Mr. Bassem Eid), A/AC.145/RT.639/Add.1 (anonymous witness), A/AC.145/RT.640 (Mr. Mahmoud Jabarin), A/AC.145/RT.641 (Mr. Mahmoud Jabarin), A/AC.145/RT.644 (Mr. Hosni al Ragabi) and A/AC.145/RT.644 (Mr. Mohamed Youssef Mohamed).

Written information

536. On 12 April 1994, a pregnant Palestinian woman was fatally wounded in her home in El-Jib (north of Jerusalem) by a stray bullet fired by a settler who was shooting at stone-throwers. (Ha'aretz, Jerusalem Post, 13 April 1994)

537. On 22 and 23 April 1994, Palestinian sources reported that settlers had shot and critically wounded a 14-year-old Palestinian boy in Gaza. The sources indicated that Palestinian youths may have been throwing stones at the settlers. (Jerusalem Post, 24 April 1994)

538. On 26 April 1994, leaders of the outlawed Kach and Kahane Hai groups announced that they were now working together, after years of fighting about who would take over the role of slain Kach founder Rabbi Meir Kahane. They outlined their planned activities as aimed at forcing the Government out of office, including steps they said could not be made public, hinting at their possible illegal nature. (Ha'aretz, Jerusalem Post, 27 April 1994)

539. On 28 April 1994, settlers are reported to have increased their provocative acts against Arab merchants in Jerusalem's Old City, particularly in the Bazar and Khan Zeit quarters. (Al-Tali'ah, 28 April 1994)

540. On 2 May 1994, Moshe Levinger and his wife, accompanied by a group of settlers, reportedly threw stones and empty bottles at Arab houses near their settlement, in the vegetable market in Hebron. (Al-Tali'ah, 5 May 1994)

541. On 3 May 1994, young settlers from Hebron are reported to have attacked Palestinian students from the Kartabaa Primary School for Girls. (Al-Tali'ah, 5 May 1994)

542. On 9 May 1994, it was reported that Samih Dana had complained that Israeli children from Kiryat Arba had been pelting the windows of his nearby house with stones and had broken six windows at the back of his house. (Jerusalem Post, 9 May 1994)

543. On 16 May 1994, 15 Palestinians were wounded, one of them seriously, when students from the Yeshivat Nir in Kiryat Arba opened fire at stone-throwing Palestinians near a Hebron mosque during prayers and when soldiers intervened to end the clash. The IDF indicated that settlers had opened fire after they were stoned while walking near the Police Square in Hebron. Two settlers, who are thought to have used their weapons, were arrested for investigation by police after the shooting. A fight between Arabs and yeshiva students in the Old City of Jerusalem left an Arab man injured, apparently by another Arab resident. (Ha'aretz, 17 May 1994; Jerusalem Post, 17, 19 May 1994)

544. On 17 May 1994, residents of Kfar Adumim blocked the Jerusalem-Jericho road. Fights between them and Arabs who were trying to travel to Jericho were reported. Jewish youths rampaged through the Christian and Muslim quarters of the Old City of Jerusalem, causing extensive damage to at least one Arab-owned store. (Jerusalem Post, 18, 19 May 1994; also referred to in Al-Tali'ah, 19 May 1994)

545. On 19 May 1994, the owners of more than 20 Arab stores in Jerusalem's Old City found that the doors of their stores were glued shut. They had to use blow torches in order to get into their shops. Jews were believed to be responsible for these acts of vandalism. (Jerusalem Post, 20 May 1994)

546. On 24 May 1994, the residents of Gush Katif began patrolling roads in the area in order to monitor the implementation of the agreements with the PLO, following concerns that the Palestinian police were already violating them. The patrols would be part of a new group called the Gush Katif Settlements Committee, an organization set up a day after Palestinian police shot at the tyres of an Israeli car, near the Nissanit settlement in the northern part of the Gaza Strip. (Jerusalem Post, 25 May 1994)

547. On 2 June 1994, following the stoning of a settler near Kiryat Arba, a number of Jews stoned Arab cars driving near the settlement. (Jerusalem Post, 3 June 1994)

548. On 4 June 1994, a clash was reported between settlers from Netzarim, in the Gaza Strip, and students from the Islamic University. According to Palestinian sources, settlers stoned two buses transporting students when they passed near the settlement. Several windows were broken. Students came out of the buses and started throwing stones at the settlers. The IDF, who were stationed at the entrance to the settlement, then intervened and arrested a student who was later handed over to the Palestinian police. (Ha'aretz, 5 June 1994)

549. On 5 June 1994, some 15 to 20 settlers from the Jordan Valley set up makeshift roadblocks near the northern entrance of Jericho and temporarily prevented cars that were leaving the city from driving with PLO flags. The roadblocks were set up in response to an incident on 3 June when a Palestinian policeman prevented a settler from driving through Jericho with an Israeli flag. The roadblock was lifted when the police intervened shortly after it had been set. Settlers from the area then tried to drive through Jericho in a convoy but were prevented by the IDF from passing through its roadblocks. (Ha'aretz, Jerusalem Post, 6 June 1994)

550. On 5 June 1994, it was reported that a high-ranking source from the General Staff had stated that in the Gaza Strip over 15,000 soldiers were engaged in protecting some 4,500 settlers. (Jerusalem Post, 5 June 1994)

551. On 8 June 1994, two groups of Jews from Kiryat Arba and Jerusalem were prevented by soldiers and Border Police from praying in front of the Machpelah Cave in Hebron. The cave itself had been closed since the massacre took place there in February. (Jerusalem Post, 9 June 1994)

552. On 12 June 1994, an IDF patrol caught an Israeli man firing in the direction of houses located in the Jalazone refugee camp near Ramallah. No one was injured during the incident. (Jerusalem Post, 13 June 1994)

553. On 22 June 1994, Chief of Staff Lt.-Gen. Ehud Barak told the Knesset Foreign Affairs and Defence Committee that the army had not yet established a special Border Police unit to deal with demonstrations by Jewish settlers in the West Bank. The Central Command would be reinforced by a military police unit, which would handle the breaking of the law by Jews and Palestinians, thus freeing regular units to carry out security duty. (Jerusalem Post, 23 June 1994)

554. On 28 June 1994, Chief of Staff Lt.-Gen. Ehud Barak stated that, if it were to become necessary, the army could amend and redefine regulations regarding the opening of fire on settlers who violated the law and he indicated that more attention should be given to those regulations. (Ha'aretz, Jerusalem Post, 29 June 1994)

555. On 3 July 1994, settlers in the Jenin area blocked the road adjacent to the Madovan settlement and stopped Arab-owned cars. They checked identity cards, tearing several of them, and severely beat up a number of passengers. (The Jerusalem Times, 8 July 1994)

556. On 8 and 9 July 1994, settlers squatted in vacant apartments in Kiryat Arba. Arab-owned property near Hebron and Ramallah was vandalized in reaction to the murders of Sarit Prigal and Aryeh Frankenthal. A number of Kiryat Arba and Hebron residents went into vacant government-owned apartments in Givat Yitzhak, located between Kiryat Arba and its adjacent neighbourhood of Givat Harshina, and began moving their belongings into the apartments. Skirmishes broke out between the settlers and soldiers after a large police and IDF force had arrived. The apartments had been built under the administration of former Housing Minister Ariel Sharon, but had not been sold. Demonstrations erupted in Kiryat Arba and the windshields of Arab-owned cars were smashed and tyres

punctured in Arab villages in the area. Kach claimed responsibility for the attacks, as well as for breaking the windshields of Arab-owned cars in Jerusalem on the Shabbat. Arab sources stated that Arab houses had been stoned and shot at, cars destroyed and salt thrown into vineyards. The tyres of cars in four Palestinian villages near Akeb were also slashed. (Ha'aretz, Jerusalem Post, 10 July 1994)

557. On 10 July 1994, the National Federation of Journalists and four reporters who cover issues relating to settlers petitioned the High Court of Justice over the army's decision to declare the Kiryat Arba neighbourhood, where settlers had broken into empty apartments, a closed military zone. According to the petition, the army's decision to close off the area because of civil disturbances and not for security reasons was a grave violation of free speech and the public's right to know, as well as being in contravention of a promise made by the army in December to permit the coverage of all events taking place in the territories, except when there was a clear security risk. (Jerusalem Post, 11 July 1994)

558. On 11 July 1994, the settlers left the 15 apartments which they had occupied, thereby defusing the one-week standoff between themselves and the Government over the Ashmarot Yitzhak neighbourhood in Kiryat Arba. The settlers agreed to leave in exchange for a meeting with the Housing Minister Binyamin Ben Eliezer, which took place after the settlers had left, during which Eliezer agreed to look into requests for the settlement's development (also see sect. E, Annexation and settlement, below, on 16 July) (Ha'aretz, Jerusalem Post, 12 July 1994)

559. On 22 July 1994, Israeli settlers are reported to have taken over farm land belonging to the villagers of Izbet Salman in the Kalkiliya area. In another development, settlers from Al Kana seized land belonging to the villagers of Zawiya. (The Jerusalem Times, 22 July 1994)

560. On 26 July 1994, it was reported that the outlawed Kach organization was running a summer camp for youth and providing them with paramilitary training and indoctrination. Nine teenagers, aged 12 to 18, attended the first session in Kiryat Arba, which ended on 27 July 1994. Two additional sessions were planned to take place in Kiryat Arba and Mitzpeh Yeriho in the coming weeks. (Jerusalem Post, 26 July 1994)

561. On 1 August 1994, three Kach activists who had organized the paramilitary camp in Kiryat Arba a week earlier were summoned for questioning by the police. The group's spokesman, Itamar Ben-Gvir, one of the persons who were summoned, indicated from a public telephone that they were not going to cooperate with the police. (Ha'aretz, 29, 31 July 1994; Jerusalem Post, 31 July, 1 August 1994)

562. On 3 August 1994, the IDF Behavioural Sciences Unit released the results of a poll conducted among some 1,000 soldiers, which found that soldiers serving in the territories were frustrated by the insulting and humiliating treatment they were subjected to by settlers. Soldiers found it difficult to deal with settlers and were not adequately trained to meet the challenge of the problems that they faced. According to West Bank Command Maj.-Gen. Shaul Mofaz, the soldiers were required to perform the tasks of policemen such as escorting the

settlers' children. They were also regularly harassed, insulted and offended by a minority of extremist settlers. (Ha'aretz, Jerusalem Post, 4 August 1994)

563. On 4 August 1994, former Kach activist Natan Levy, one of the organizers of a Kach summer camp, was detained for questioning. Summonses for the arrest of two other organizers of the camp were issued by the Natanya Magistrates Court. The summonses were issued after the three men, Itamar Ben-Gvir, Natan Levy and Avishai Raviv did not come voluntarily to be questioned by the police about the camps. (Jerusalem Post, 5 August 1994).

564. On 7 August 1994, the spokesman for the outlawed Kach group, 18-year-old Itamar Ben-Gvir, was handed an IDF order forbidding him from entering the West Bank before 5 September 1994, for security reasons. He was given the order after two hours of questioning by the Serious Crimes Division of the Police in Petah Tikva, in connection with a recent paramilitary camp organized by the group. A second activist of the same group, Avishai Raviv, was also questioned on the same day. Although Kach was outlawed by the Government after the Hebron massacre, its members have continued to be active. (Jerusalem Post, 8 August 1994)

565. On 14 August 1994, following two shooting attacks against Israeli vehicles near the Kissufim junction, dozens of settlers gathered on the main road to Gaza, threw stones at Palestinian cars and blocked the street with garbage. Palestinians responded by throwing stones. In an effort to prevent an escalation of the hostilities on both sides, the IDF and the Palestinian police sealed off the area of the incident. (Ha'aretz, Jerusalem Post, 15 August 1994)

566. On 23 August 1994, settlement leaders in Gush Katif marked the one hundredth day since the beginning of the autonomy by releasing a report that described the security situation in the Gush as "difficult and getting worse". A senior officer of the Southern Command stated that the remarks contained in the report were politically motivated and inaccurate, as the number of attacks against Jewish settlers had declined one third since the implementation of the Cairo agreement. (Ha'aretz, Jerusalem Post, 24 August 1994)

D. Treatment of detainees

Oral evidence

567. The Director of the Association of Israeli-Palestinian Physicians for Human Rights informed the Special Committee about the prisons in which the inhabitants of the occupied territories were detained:

> "Israeli prisons can be divided into three different kinds: the army prisons, the prisons under the police authority and the prisons under the prison authority, which are both under the Ministry of Police. The police jails under police authority are really for detainees and not for long-period prisoners. Usually, we will try to intervene on behalf of prisoners who are in army jails or in prisons belonging to the Ministry of Police. There is a big difference between these two. We find that the medical treatment given in the prisons belonging to the Ministry of Police

is much better than the medical treatment given in the army prisons. We have no problem at all getting our physicians into prisons belonging to the Ministry of Police ... As for the army prisons, the situation is different and much more difficult.

"The difference between the two systems of prisons is that the prisons pertaining to the Ministry of Police hold both Jews and Arabs, while the military prisons hold only Arabs. Therefore, the medical facilities in the prisons under the Ministry of Police are there for both Jews and Arabs and are therefore adequate, in most cases ... One of the major problems pertains to mentally ill prisoners and the use of segregation of mentally ill prisoners. Instead of either releasing them to institutions for the mentally ill or putting them in the mental illnesses ward of Ayalon prison in Ramleh. We know of prisoners who have been in segregation for over two years, ... and not receiving adequate medical care. We know of other prisoners who are very sick and are not receiving medical care within the prisons of the Ministry of Police ... So, there are problems, and quite a few. But still, as a whole, the situation is much better than in the military prisons." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

568. The Special Committee asked the same witness about torture:

"Torture is being practised systematically in Israel ... We think that the only way to stop torture in Israel - and we think that there is torture - is through legislation. We also think that one way to stop it is that the doctors should stop taking part in any way whatsoever in torture ... not only that the doctor must not participate in torture, but that he has an obligation to report it, not only in the interrogation wings within the prisons, but also if someone comes to the emergency room and has some kinds of marks that he has been tortured, the doctor is obliged and compelled to report it." (Mr. Neve Gordon, witness No. 1, A/AC.145/RT.634)

569. In addition, the Special Committee inquired about the report of the Landau Commission which allows for the exercise of "moderate physical pressure" on detainees:

"I can only say that we do not want to argue with the report, we want it out. We think that the report of the Landau Commission legitimizes torture in Israel ... The whole idea of keeping it secret means that they have something to hide! ... And the Landau Report, to the best of our knowledge, is a report that legitimizes torture and I can say this only because we have had evidence of torture from many people. And when we sent the complaints to the Attorney-General's office, they told us that the GSS personnel followed the regulations. So, if these are the regulations, then the regulations are to torture.

"The form has a questionnaire that the doctor must fill, for example, if the person can be hooded, if the person is healthy prior to getting into the interrogation, if the person can be handcuffed ... I don't remember exactly, but the doctor gives a stamp of approval for the interrogator to torture the person. That is the only way we can understand this form. However, I must say that the Israeli Medical Association came out very

strongly against this form." (Mr. Neve Gordon, witness no. 1, A/AC.145/RT.634)

570. The Special Committee had the opportunity to hear the detailed testimony of Mr. Bassem Tamimi from Al Nabi Salem near Ramallah who was tortured by the Shabak after his arrest on 9 November 1993, almost two months after the signing of the Declaration of Principles:

"I was taken to a cell, blindfolded, in handcuffs. I was made to sit on chair which was about 20 centimetres high and the back was no more than 15 centimetres and leaning forward. I was tied to the chair from behind and I stayed there from 6 o'clock until I was beaten on the second day at 2.30 in the afternoon ... The air conditioning was blasting cold air." (Mr. Bassem Tamimi, witness no. 31, A/AC.145/RT.645)

571. Mr. Tamimi described his second stay in the same room and the torture that followed:

"I was brought again to the original room on the same seat, where they kept me all night long, with the cold air conditioning focused on me. On the second day at 8 o'clock in the morning, an interrogator came. He was an intelligence officer, strongly built, bold. He took off the fold from my eyes ... From the moment he was there, he beat me, especially on my head, keeping me in a shaking position, holding my chin, pushing me backwards, and to the right side, then to the left side. He did not give me any chance to rest while I was talking. He was always trying to shake me. He also forced me to stand up in front of him, grabbing me with his hands, holding me forwards and pushing me backwards in order to shake my head strongly. ... He repeated that I had to tell the truth and give all the details, otherwise the alternative would be that I die." (Mr. Bassem Tamimi, witness no. 31, A/AC.145/RT.645)

572. Mr. Tamimi's torture continued:

"After he had asked these questions, he did not ask anything more and beat me. It lasted from 8 o'clock in the morning until 2.30 in the afternoon. As I was telling you, he was focusing on my head. I began to feel that my head was like a balloon and I was exhausted. At about 12 o'clock, I started feeling dizzy. I fell to the ground, but I was still conscious of what was going on around me. He grabbed me by my clothes and made me stand up. He put me against the wall, pushing my back against the wall ... I was sitting on the chair when he came near me and gave such strong blows that I felt dizzy and started falling. He grabbed me and raised me, shaking me. At this moment, I became unconscious. My head hit the chair. I fell on the floor ... I came to my senses five days later, at the Hadassah hospital ... When I started coming back to my senses, I felt my head and I found out that there were 36 stitches on my head. My left eye was nearly closed. I was unable to see with it. My left side was very weak. I was semi-paralysed ... I had been bleeding in the head and it necessitated a surgical operation which lasted nine hours ... I was in a coma for five days." (Mr. Bassem Tamimi, witness no. 31, A/AC.145/RT.645)

573. While he was in Hadassah hospital, Mr. Tamimi received the visit of an interrogation officer from the intelligence service:

> "He tried to convince me that the authors of the beating were not the Israeli intelligence but the Israeli army. On 17 November, an Israeli policeman took me from the Hadassah hospital and transported me in a Ford car. In spite of my bad health, he also beat me and insulted me ... The car arrived at the Moscobiya Detention Centre in Jerusalem where there was another interrogation centre. After checking my health, they refused to accept me in the prison ... I was moved to the Ramleh hospital and prison. It is a prison inside the hospital. I stayed there alone in a private room until 6 December, nearly one month. On that same day I was released, since there was nothing legal against me and no justification for my detention." (Mr. Bassem Tamimi, witness no. 31, A/AC.145/RT.645)

574. The Director of the Mandela Institute for Political Prisoners provided the Special Committee with the following information concerning the practice of torture after the signing of the Declaration of Principles:

> "Regarding the policy of torture, we are surprised, as a human rights organization, to see that torture has taken a new dangerous trend after the signing of the agreement. The measures taken against the Palestinians have become worse. They are more brutal and harsh, always under the pretext that anyone arrested after the signing of the Declaration of Principles is someone trying to sabotage the peace process." (Mr. Ahmad Al Sayyad, witness no. 30, A/AC.145/RT.645)

575. As regards conditions of detention, the same witness stated the following:

> "After the signing of the Declaration of Principles, there has been a decline in the quantity and the quality of the food given to the detainees, as well as in the clothing and cleaning material, like towels, soap, etc. ... The pretext given is that the budget for prisons is lower.
>
> "Another problem is the lack of health care. It creates a lot of suffering for the detainees who are ill, and even for the healthy detainees who share cells with the sick ones. Also, the sanitary sections in the prisons are not equipped in an adequate manner that would enable them to give the necessary health care and medical care to prisoners.
>
> "This has led and leads still to serious damage to the health of the detainees. It has led also, and still leads, to the death of many detainees. As an example, in October 1993 two detainees died, one in the Nablus Central Prison - he had a heart disease - and the second one was in the Central Prison of Jneid. His illness was not diagnosed because he had not received an authorization to be examined seriously until after his death. The autopsy revealed that he had a renal failure."
> (Mr. Ahmad Al Sayyad, witness no. 30, A/AC.145/RT.645)

576. A person who was among the first prisoners to be released after the signing of the Declaration of Principles described his own experience concerning arrest to the Special Committee:

"The first thing they do is to handcuff the prisoner with what they call plastic handcuffs. These are corrugated, with dents, and each time you move, it gets tighter and tighter. The prisoner is kept handcuffed like this for about eight hours. From the time he is arrested until he is transported to the place where he is going to be detained, the person gets kicked. Soldiers would spit at him. They would insult him. This is in addition, of course, to the insults the families are subjected to while the houses are searched or even demolished ... The plastic cuffs that they use leave marks on the skin and I still bear some marks on my wrists.

"But there were other prisoners coming to our prison whose condition was far, far worse than ours, because of the brutal torture they had suffered during interrogation, like electric shocks, cold water, or what they call 'shaba', which is suspending the prisoner by his hands, his feet off the ground. There are other ways of torture, which I find extremely difficult to talk about " (Mr. Mohamed Omar, witness No. 10, A/AC.145/RT.635)

577. The same witness described the general conditions of detention that he saw during his detention:

"The general health and sanitary situation is poor. Bathrooms are insufficient. Hot water is not available and if there is water, it is not hot and it is not sufficient anyway. Another fact that testifies to the poor conditions in the prison is the presence of snakes and scorpions. Some prisoners have been stung by these animals in one of the other camps in the Negev, named Hlesheva. Most of the detention places, and especially the one where I was, are constructed on a very small plot of land, so that overcrowding is the result of it. There are four tents in every unit and 25 to 27 prisoners find themselves sheltered in those tents in the middle of the desert. The area of each of those sectors is 52 by 14 metres. The food quality is not good. The main meal we relied on every day to acquire the energy for the day and vitamins was breakfast. It is the right of the prisoner to be visited by his family once every two weeks, but those visits were not regular. Sometimes a month would elapse and nobody would come. That happened in the month of August, also at the beginning of July. The reason why the visit had not taken place is that a permit is required of every family and the Israeli authorities would not grant the permit and would delay or postpone the issuing of the necessary permit. They would not allow us to get anything else but soap and bad quality shampoo inside the prison. The prison authorities had said that the prisoners could buy sweets or desserts from outside if they gave the money for it and the prison authorities would provide the sweets. But that is the point: none of the prisoners had money. If the families at any stage would try and smuggle some to their family members, it would be confiscated if discovered. So, it is like placing a glass of water in front of somebody who is thirsty and preventing him from drinking the water."
(Mr. Mohamed Omar, witness no. 10, A/AC.145/RT.635)

578. Mr. Omar described before the Special Committee his problems in obtaining medical care in prison:

"During my detention period, the International Committee of the Red Cross presented a request to the prison authorities to release me because I was affected by tuberculosis at an earlier stage. But the Israeli court decided that I would be examined in an Israeli hospital to see whether the information submitted by the ICRC was true, as they would not recognize the medical certificate issued by Abbasiya Hospital here in Egypt which states that I was affected by tuberculosis. They insisted that I should be examined again in Israel. The court said that I would be released if it was proven that the documents submitted were authentic. In August, X-rays were taken and the necessary analyses were performed. I asked them to give me the reports relating to these exams, but unfortunately they said that there were no such reports. So much so that during my period of detention, I spat blood twice. I used to take medication from the clinic I had been in." (Mr. Mohamed Omar, witness no. 10, A/AC.145/RT.635)

579. A witness stated the following with regard to the conditions of detention regarding prisoners from the occupied territories:

"The living conditions for Palestinian detainees and prisoners are so bad that one could say that those imprisoned for drugs or prostitution in the Israeli prisons have in comparison a 5-star treatment!" (Mr. Mazen Gamil Shaqurah, witness No. 12, A/AC.145/RT.636)

580. Testimonies relating to the treatment of detainees may be found in document A/AC.145/RT.634 (Mr. Neve Gordon), A/AC.145/RT.635 (Mr. Mohamed Omar), A/AC.145/RT.636 (Mr. Mazen Gamil Shaqurah), A/AC.145/RT.645 (Mr. Ahmad Al Sayyad) and A/AC.145/RT.645 (Mr. Bassem Tamimi).

Written information

(a) Measures concerning the release of detainees

581. On 4 May 1994, the High Court of Justice rejected a petition against the impending release of 5,000 Palestinian prisoners, ruling that it was a political issue, which only the Government could decide on. In response to the petition, the State told the Court that all released prisoners would have to refrain from further "terrorist" activity for the next three years. (Ha'aretz, 5 May 1994; Jerusalem Post, 3, 5 May 1994)

582. On 5 May 1994, up to 500 Palestinian prisoners (some 400 of whom were residents of the Gaza Strip) were released, mostly from the Ketziot tent camp in the Negev desert and from the Gaza prison in the centre of Gaza City. (Ha'aretz, Jerusalem Post, 5 May 1994)

583. On 5 May 1994 some 1,000 Palestinian prisoners and detainees were reportedly freed. Some 800 persons were released from the Ketziot tent camp in the Negev desert, Ansar 3. The Israeli authorities closed down Gaza prison, freeing almost all its 450 inmates. Several members of Hamas were not released and were moved to other prisons (Ketziot and Ashkelon). (Ha'aretz, Jerusalem Post, 6 May 1994; also referred to in The Jerusalem Times, 6 May 1994)

584. On 10 May 1994, it was reported that administrative detainees at the Ketziot Prison had refused to sign a document pledging their support for the peace process and promising to refrain from "terrorism" if released. (Jerusalem Post, 10 May 1994)

585. On 26 May 1994, it was reported that the Israeli authorities had released 110 detainees from Nablus prison while 390 remained in custody. (Al-Tali'ah, 26 May 1994)

586. On 8 June 1994, a Palestinian official stated that PLO Chairman Yasser Arafat had refused an Israeli offer that 240 Palestinian security prisoners be released on condition that they remain in Gaza until their terms had expired. According to the Cairo Agreement, some 5,000 out of 9,000 Palestinian prisoners were supposed to be released within five weeks of the 4 May signing. (Ha'aretz, Jerusalem Post, 9 June 1994; also referred to in The Jerusalem Times, 10 June 1994)

587. On 9 June 1994, the Government released several hundred Palestinian prisoners. The IDF spokesman's office stated that the prisoners who were released were not members of militant Islamic groups opposed to the peace process and that they had not killed Israelis. The Mandela Institute for Political Prisoners, a Palestinian monitoring group based in East Jerusalem, stated that Israel had freed only some 2,000 of the 5,000 prisoners it had agreed to release by that time under the Cairo Agreement. In a statement, the group also complained that those released were required to sign a statement pledging to avoid violence and to support the peace process, which was not a part of the Agreement. Military sources indicated that the delay in the releases had resulted partly from Palestinian rejection of a demand that some of those released remain in the autonomous zones only. (Ha'aretz, Jerusalem Post, 10 June 1994; Ha'aretz, 12 June 1994)

588. On 12 June 1994, it was reported that the IDF had announced that Israel had released more than 500 Palestinian prisoners on 9 and 10 June, amid a dispute over whether some of them would be required to stay inside Gaza or Jericho until the end of their sentences. Figures released by the Palestinian police indicated that only 180 were released in Gaza and 287 in Jericho, but that several dozen other prisoners might have been released directly from prisons to their nearby homes. The Gazans who were freed, mostly from the Ketziot detention camp in the Negev, included 80 persons who had been serving life sentences, mostly for killing alleged "collaborators". It was expected that some of them would have to remain in Gaza until the end of their sentences. (Jerusalem Post, 12 June 1994; also referred to in The Jerusalem Times, 17 June 1994)

589. On 14 June 1994, Prime Minister Yitzhak Rabin linked the release of Palestinian prisoners to how the Palestinian Authority adhered to the Israel-PLO accord on the issue of collaborators. Rabin stated that any action related to the pursuit of collaborators was not in accordance with the agreement. Rabin also indicated that Israel would maintain its demand that freed prisoners who were convicted of killing collaborators or had committed other violent crimes serve out their terms in the self-rule areas. Some 287 prisoners currently find themselves in an uncertain situation in a Jericho camp awaiting a final decision

concerning their future. Some 128 among them were convicted murderers who were serving life terms. (Ha'aretz, Jerusalem Post, 15 June 1994)

590. On 16 June 1994, 170 (or 201) Palestinian prisoners were released. However, several hundred (possibly as many as 800) prisoners refused to sign a declaration renouncing violence and have therefore, remained in prison. The release form that the detainees in question were required to sign stated that the prisoner recognized his freedom was granted within the framework of the peace agreement with the PLO, and agreed to desist from all acts of violence and terror and to respect the law. Some 160 criminal prisoners were also handed over to the Palestinian authorities in Gaza, to serve the remainder of their sentences there. According to Brig.-Gen. Yom Tov Samia, 4,900 prisoners had been released since the 4 May accord. (Ha'aretz, Jerusalem Post, 17 June 1994)

591. On 22 June 1994, Chief of Staff Lt.-Gen. Ehud Barak told the Knesset Foreign Affairs and Defence Committee that Israel had released 3,400 Palestinian prisoners since the signing of the Cairo Agreement. (Jerusalem Post, 23 June 1994)

592. On 23 June 1994, it was reported that, according to Ahmad Sayyad, the director of the Mandela Institute, an advocacy group for Palestinian prisoners, 5,330 Palestinian prisoners remained in jail together with 1,500 others who could be freed if they signed a pledge to remain in Gaza or Jericho. (Jerusalem Post, 23 June 1994)

593. On 23 June 1994, it was reported that 38 Palestinians who were released during the past months by Israel under the autonomy agreement, had been sent back to jail by the security authorities for reverting to "terrorist" activities. (Ha'aretz, 23 June 1994)

594. On 24 June 1994, Palestinian women prisoners in Israeli prisons, Tel Mond in particular, have confirmed that among the 5,000 prisoners in Tel Mond only 6 were released. Five of them were under administrative detention while the sixth had been sentenced to 24 months imprisonment, of which she had completed 22 before her release. (The Jerusalem Times, 24 June 1994)

595. On 29 June 1994, hundreds (possibly 400) Palestinian detainees, including members of groups opposed to the peace process, were released from the Ketziot detention centre under the Cairo Agreement after they had agreed to sign a statement pledging to avoid violence. According to the Israeli-PLO Agreement, some 4,200 out of 5,000 Palestinian prisoners had now reportedly been released. (Ha'aretz, 30 June 1994; also referred to in Al-Tali'ah, 30 June 1994)

596. On 4 July 1994, it was reported that at the meeting held in Paris between PLO Chairman Yasser Arafat, Prime Minister Yitzhak Rabin and Foreign Minister Shimon Peres, Arafat would raise the issue of the estimated 3,500 to 4,000 Palestinian prisoners and detainees who were still to be released under the Cairo Agreement who were held in Israeli prisons. Arafat announced that he would not rest until Hamas leader Sheikh Ahmed Yassin was released (also referred to in The Jerusalem Times, 8 July 1994). Peres indicated that the leader of Hamas would only be released if he signed a pledge of non-violence and support for the Israeli-Palestinian accord. (Jerusalem Post, 4 July 1994)

597. On 20 July 1994, a female security prisoner from East Jerusalem, Rabiha Shtai, 36, was released from Hasharon prison after serving two thirds of an eight-year sentence for illegal possession of weapons and membership in a hostile organization. A representative of the International Committee of the Red Cross and a doctor visited her prior to her release and reported that she was in reasonably good condition, although she was reported to be suffering from liver cancer and other serious ailments. Shtai had been on a hunger strike since 22 June. There are still 36 female security prisoners detained in Hasharon prison. (Jerusalem Post, 21 July 1994; Ha'aretz, 22 July 1994; also referred to in The Jerusalem Times, 22 July 1994)

598. On 2 August 1994, it was reported that some 4,500 of the 5,000 prisoners Israel had pledged to release under the Cairo Agreement were released so far. (Ha'aretz, Jerusalem Post, 2 August 1994)

599. On 5 August 1994, the "Struggle Committee" of the Nablus Central Prison reported that 60 prisoners whose names appeared on the released list were still detained. (The Jerusalem Times, 5 August 1994)

600. On 10 August 1994, eight female security prisoners were released from Hasharon prison after having received commutations of their sentences from President Ezer Weizman. They were aged from 17 to 20, and were from East Jerusalem, Ramallah and villages in the West Bank. After the release, some 27 female security prisoners still remained in detention at Hasharon Prison. (Ha'aretz, Jerusalem Post, 11 August 1994)

601. On 21 August 1994, in a letter to OC Central Command Maj.-Gen Ilan Biran, Jordan Valley settlers called upon the IDF to stop sending freed Palestinian prisoners to Jericho, claiming that the town was quickly becoming a refuge for convicted "terrorists". The letter came two days after some 247 Palestinian prisoners (many reportedly members of Fatah) and many of whom had killed suspected "collaborators") had been released on condition that they remain in Jericho. Itim reported that a group of Palestinian prisoners succeeded in escaping from Jericho over the weekend after they were released from prison on Friday 19 August 1994 and brought to the city. Two (or three) of the fugitives were captured when they tried to pass the Na'ama roadblock in order to return to their homes. (Ha'aretz, 21, 22 August 1994; Jerusalem Post, 22 August 1994)

602. On 25 August 1994, freed Palestinian prisoners threatened a mutiny against Israel and Yasser Arafat's Palestinian Authority if there was no improvement in their living conditions. The more than 4,500 Palestinian prisoners who were released by Israel had had to sign a pledge renouncing violence and backing the Israel-PLO autonomy accord as a condition for their release. However, most stated that they had not realized that the accord mandated that they serve the remainders of their sentences in the self-rule areas. So far, about 550 prisoners with anywhere from a few months left of their sentences to life terms, were confined to Jericho. Most of the freed prisoners have been crammed into two crumbling military camps and two public buildings in Jericho, with 12 to 20 sometimes living in a single room. At least nine have been arrested by the IDF for trying to leave the Jericho area. (Jerusalem Post, 26 August 1994)

(b) Other information concerning detainees

Written information

603. On 11 April 1994, the Israeli authorities turned back buses heading for the Negev prison although the visitors were all in possession of special permits obtained through the Civil Administration and the Red Cross. (The Jerusalem Times, 15 April 1994)

604. On 4 May 1994, a lawyer from the human rights organization A-Dameer stated that 398 administrative detainees were held in Ketziot prison, 207 of whom were from the West Bank and the other 191 from the Gaza Strip. The lawyer added that seven of these detainees were to be released during the first wave of releases. However, two of the candidates for release refused to sign a document which included special terms for their release. (The Jerusalem Times, 6 May 1994)

605. On 13 May 1994, it was reported that 24 prisoners had refused to sign an oath saying that they would not commit further acts of "terrorism" or perpetrate acts of violence against Israelis. According to the A-Dameer lawyer, Khaled Kusmar, Palestinian prisoners considered that forcing them to sign such a document was a violation of their freedom. The lawyer stated that the Israeli wardens had beaten some prisoners for refusing to sign the form such as Mamoun Karaje, from the village of Safa near Ramallah, who was sentenced to 80 months of imprisonment. The prisoners confirmed that the Fara prison authorities had placed the prisoners who had refused to sign the statement in solitary confinement. (The Jerusalem Times, 13 May 1994)

606. On 31 May 1994, it was reported that with the evacuation of Gaza Prison, some 400 prisoners were transferred to Prison Service jails. (Jerusalem Post, 31 May 1994)

607. On 2 June 1994, it was reported that the IDF may investigate the release of several dozen Palestinian prisoners who did not meet the necessary criteria for release because of their involvement in terrorist attacks which Israel said would disqualify prisoners from being released. The army is also investigating the legal grounds for re-incarcerating the prisoners who were released by mistake. (Jerusalem Post, 2 June 1994)

608. On 10 June 1994, it was reported that 41 Fatah supporters imprisoned at Jenin central prison (Jneid prison) were summoned by the Israeli military authority to sign a new document in order to be transferred to serve the remainder of their prison sentences in the Palestinian self-rule areas. The prisoners rejected the conditions. (The Jerusalem Times, 10 June 1994)

609. On 15 June 1994, it was reported that, according to a survey released by Human Rights Watch/Middle East, torture and ill-treatment continued in the territories under Israeli military control. However, the IDF rejected the report's contention of systematic abuse, maintaining that confessions that were not given freely by prisoners were not acceptable in military courts. The report was based mainly on investigations that preceded the Oslo Accords in September 1993 and consisted of interviews with 36 Palestinians interrogated since June 1992 (10 of whom after September 1993), four IDF soldiers who

attended interrogation sessions and attorneys defending Palestinian detainees. The study, entitled "Torture and Ill-Treatment", indicated that 300 Palestinians had been arrested in May 1993 and held for at least 12 days. The IDF still participated in interrogations despite a 1991 inquiry that urged that prisoners be interrogated by other security agencies. (Ha'aretz, Jerusalem Post, 15 June 1994; also referred to in Al-Tali'ah, 16 June 1994; The Jerusalem Times, 17 June 1994)

610. On 15 June 1994, the Association for Civil Rights in Israel demanded that Justice Minister David Liba'i establish a committee of experts to examine Israeli legislation on torture and its degree of compliance with international treaties. The demand was made in response to a report by Human Rights Watch and to a television documentary entitled "The Film That Wasn't". Human Rights Watch interviewed 36 Palestinians who claimed that they were systematically tortured by the army during interrogation. The documentary contained interviews with Palestinians who described being chained to chairs or being kept with sacks over their heads. (Ha'aretz, Jerusalem Post, 16 June 1994; also referred to in Al-Tali'ah, 16 June 1994)

611. On 18 June 1994, the IDF announced that it had re-arrested a freed Palestinian prisoner because he had left the Jericho area. Muwafak Mahmud Abdel-Karim Sahweil, who was confined to Jericho under the terms of his release, was caught at a roadblock near Ramallah. Sahweil, who had been sentenced to life imprisonment, was among the hundreds of prisoners who were turned over to the Palestinian Authority on condition that they stay in Jericho until the end of their sentences. (Ha'aretz, Jerusalem Post, 19 June 1994)

612. On 21 June 1994, it was reported that the security authorities and the IDF had decided to send back Muafak Mahmud Abdel-Karim Sahweil to serve the remainder of his sentence in an Israel prison after he was caught outside the Jericho area. (Ha'aretz, 21 June 1994)

613. On 21 June 1994, it was reported that hundreds of remaining Palestinian prisoners had begun a hunger strike, in a bid to increase pressure on the PLO to press for their release. (Ha'aretz, 21, 22 June 1994; Jerusalem Post, 21 June 1994; also referred to in Al-Tali'ah, 23 June 1994; The Jerusalem Times, 24 June 1994)

614. On 22 June 1994, prisoners in the Jneid prison near Nablus were on their second day of hunger strike demanding to be released. Several dozen prisoners in Ramallah prison began a hunger strike 21 June 1994, while Ashkelon and Tel Mond prisoners joined them on 22 June 1994. (Ha'aretz, 23, 24 June 1994; Jerusalem Post, 23 June 1994; also referred to in Al-Tali'ah, 23 June 1994)

615. On 22 June 1994, Lawyer Abd Abu Ta'ah from Jerusalem declared after a visit to the Al Fara prison that prisoners were subjected to assaults, harassment and torture by interrogators and prison wardens. Prisoners were put under pressure to confess to membership in Hamas or the Popular Front for the Liberation of Palestine. (Al-Tali'ah, 23 June 1994)

616. On 23 June 1994, hundreds of Palestinian prisoners halted their two-day hunger strike. Palestinian sources indicated that the fast was suspended pending talks between Israel and the PLO next week on demands that the prisoners be set free. (Jerusalem Post, 23 June 1994; Ha'aretz, 24 June 1994; also referred to in The Jerusalem Times, 24 June 1994)

617. On 27 June 1994, the Palestinian Prisoners' Committee renewed calls for a hunger strike. In a number of towns such as Nablus and Ramallah, shops were closed in solidarity with the Committee's demand for prisoner release. Nablus prison's 220 inmates went on a one-day strike. The Committee called for a general strike, but it was only partially observed. (Jerusalem Post, 28 June 1994; also referred to in The Jerusalem Times, 1 July 1994)

618. On 28 June 1994, it was reported that the Mandela Institute for Politicial Prisoners had announced that in Tel Mond, Rabiha Shtai was in the sixth day of a hunger strike to protest lack of treatment for liver cancer, but that no other prisoners were on strike with her. (Jerusalem Post, 28 June 1994)

619. On 7 July 1994, it was reported that the Palestinian prisoners held in the Ashkelon detention centre remained on hunger strike for the sixth consecutive day. The prisoners protested the delay in the release of 150 detainees who had signed the revised pledge of non-violence. In a separate development, prisoners who had recently been released from the Fara prison camp reported that 48 detainees who were still waiting for their release intended to go on a hunger strike. (Al-Tali'ah, 7 July 1994)

620. On 12 July 1994, Faisal Husseini joined some 50 Palestinian and Israeli women, who were demonstrating in front of Sharon prison at Tel Mond demanding the release of between 36 and 48 female Palestinian security prisoners, and in particular that of Rabiha Shtai, 36, a woman from Jerusalem who had been sentenced to eight years' imprisonment for smuggling arms and whose health was in serious danger after three weeks of hunger strike. (Ha'aretz, Jerusalem Post, 13 July 1994; also referred to in The Jerusalem Times, 15 July 1994)

621. On 5 August 1994, it was reported that the Freedom's Defence Institute and the Ad-Damir Organization had, in separate statements, demanded the release of 100 Palestinian youths held in the prisons of Damoun, Abu Kbir, the Russian Compound, Fara and Megiddo. According to the two organizations, the political prisoners suffered from chest pains and skin problems, were exposed to constant beatings, received bad food, were denied proper medical treatment and were detained together with Israeli drug offenders. (The Jerusalem Times, 5 August 1994)

622. On 16 August 1994, Palestinian security prisoners began a hunger strike. According to the Palestinian Mandela Institute for Political Prisoners, 5,267 persons remained in prison for having committed security offences. Ha'aretz, Jerusalem Post, 17 August 1994; also referred to in The Jerusalem Times, 19 August 1994)

623. On 16 August 1994, more than 3,000 Palestinian political prisoners detained in Israeli jails went on a hunger strike to protest the Israeli policy of separating the prisoners of the West Bank and Gaza from Palestinians from inside

Israel. Palestinian human rights sources indicated that there were more than 7,000 Palestinian detainees still being held in Israeli prisons. (The Jerusalem Times, 19 August 1994)

624. On 17 August 1994, Palestinian prisoners held a partial hunger strike and refused to receive visitors. A number of demonstrations by Palestinian families whose relatives were imprisoned for security offences were held in front of the Red Cross offices in the West Bank. (Ha'aretz, Jerusalem Post, 18 August 1994)

625. On 21 August 1994, it was reported that some 950 Palestinian prisoners (most of whom were members of the Islamic Jihad, Hamas and other extremist organizations) were detained at the Ketziot detention centre, as compared with 7,500, which was the case in the past. (Ha'aretz, 21 August 1994)

E. Annexation and settlement

Oral evidence

626. A witness who spoke to the Special Committee about the situation in the occupied territories after the signing of the Declaration of Principles saw the question of settlements in the following manner:

> "But the Israelis have left something in the occupied territories, which will always make us feel under occupation, and these are the settlements. Most of the settlements, somehow, are interlocked with the camps or the Arab residential areas. For example, Tal Al Sultan in Rafah, the place where I live, is surrounded by three settlements. At the same time, if we really want those peace efforts and the peace process to succeed, then we have got to have some respect for the Palestinian feelings and for the Palestinians to be able to feel safe. For that, we have to remove the settlements in order to avoid confrontations or difficult encounters between the settlers on the one hand and the Arabs on the other hand.
>
> "I underline the removal and the dismantlement of the settlements because if we remove the settlements, there will no longer be confrontation, there would be no longer a conflict between the Israelis and the Palestinians." (Mr. Mohamed Omar, witness no. 10, A/AC.145/RT.635)

627. Another witness informed the Special Committee about land confiscation in the Gaza Strip:

> "The Nissanit settlement beside Erez was extended by 1000 dunums. Netzarim, 3 kilometres away from Gaza, was expanded southwards by 20 dunums of vineyard. To the west, the military camp of Kfar Darom, near Deir el-Balah, expanded to the south, with the building of a road. Gush Katif, which is the biggest settlement and is composed of several settlements, expanded also near the Al Amal district in Khan Younis. I mentioned that there is government land surrounding the settlements. The expansion took place at its expense ... Most of the confiscated land is being used for

building new roads and building new military positions."
(Mr. Ibrahim Khamis Shehada, witness no. 11, A/AC.145/RT.636)

628. The Special Committee received detailed information about the Israeli policy regarding land confiscation and the expansion of existing settlements since the signing of the Declaration of Principles from the Director-General of the Land and Water Establishment for Studies and Legal Services, which is based in Jerusalem:

"Since the signing of the Declaration until now, ... we have not felt any difference in the field of the confiscation of land. Rather to the contrary, we noted that the confiscations of land have increased since the signing of the Declaration of Principles in order to impose a fait accompli. That, of course, is contrary to the spirit of the Declaration of Principles. For example, vast areas of land of the occupied land were declared 'natural reserves' or 'protected areas' immediately after the signing of the Declaration of Principles. This area is estimated at 30,000 dunums ... According to the terms of Israeli law, and even according to the terms of British law and of the Israeli military orders, these areas declared as 'natural reserves' or 'protected areas' are not fit to be considered protected areas or reserves. They are residential areas. The objective behind this declaration is a political one in order to impose a fait accompli.

"After the Declaration of Principles, the settlers became completely lawless, as far as confiscation is concerned and as far as the expansion of the plots of each of their settlements is concerned, because such confiscation happens without any recourse to legal procedure. So much so that the police and the police stations - according to the law and according to the Israeli military orders - are called upon when land is the subject of violations ... But the Palestinians who have addressed themselves to the police stations saw their complaints being rejected and the police said that they were not responsible.

"Months later when we receive an answer from the legal counsel, we find that the settlers have built buildings on that land. That in itself reveals that there is collusion at the official level between the authorities on the one hand and the settlers on the other hand. I have got many cases illustrating this, many cases I looked into and for which I received answers from the legal counsel and the Property Survey of Israel to the effect that those lands are private lands and that there should be no confiscation of such lands, that is to say that the confiscation takes place by the settlers. But, when they are called upon to give papers to the effect that they have been informed, they refuse and the issue is lost between the various positions, from having recourse to the legal counsel, to the person in charge of the property of Israel, to the police stations again." (Mr. Khader Shkirat, witness no. 15, A/AC.145/RT.638)

629. Mr. Shkirat informed the Special Committee about the different types of land confiscation implemented by the Israeli authorities, such as those "for the general interest":

"We have spoken about two types of confiscation, the official confiscation and the unofficial confiscation. The official confiscations can be divided into some sub-groups of confiscations, like, for instance, confiscation for the general interest, that is to say the general interest of the settlers. It is for the building of roads, in order to connect the various settlements with one another, or to build recreation parks, or in order to absorb the new immigrants. According to Israeli courts, it has been said that the absorption of these immigrants is also something that serves the general interest. Furthermore, it has appeared that confiscations had taken place after the Madrid Conference and before the signing of the Declaration of Principles and before Rabin came to power in July 1992, when he had them frozen. But, after the signing of the Declaration, they started working again on those same roads. To give you an example, road No. 60, between Mather Zatara and Nataliya, connects all the settlements on that line inside the State of Israel.

"A new kind of confiscation has been devised as well, again, as it is said, in the general interest. That is the expansion of the settlements. That is to say they would develop some scheme for the expansion of settlements, and that after the signing of the Declaration of Principles. Take, for example, the Adam settlement, or the Bitar Elit settlement in the Bethlehem area. The expansion of this settlement has been announced in the official newspapers!

"Concerning the expansion of settlements in the official manner - here, I underline the word 'official' - it concerns expansions made public in the newspapers. But there are other cases that have not been announced in the newspapers and land has been confiscated. Here, I speak only about the official cases, where we have the documents, where we have the legal information because the cases were declared by the Civil Administration and the Council of Settlements for what is called Judea and Samaria." (Mr. Khader Shkirat, witness no. 15, A/AC.145/RT.638)

630. The same witness drew the Special Committee's attention to a new method of justifying land confiscation implemented after the signing of the Declaration of Principles whose aim is to give the impression that no expropriation of land is taking place:

"In fact, since the signing of the Declaration, no citizen has received a confiscation order. Normally, what used to happen was that whenever it declared that certain pieces of land had become state property, the State of Israel issued official documents to that effect. But, since the signing of the Declaration, there have been no such documents. Other tricks have been used. They have continued the confiscation of land after the signing of the Declaration of Principles. When we address ourselves to the law or to the judiciary, another pretext is given by the Israelis, namely, that those lands have been confiscated since 1980 or 1977, or before, and they produce documents to that effect to us. That is to say they produce confiscation orders. And after that, we find out that the people had not been informed about that confiscation. According to what we see in the military orders, the appeal period is of 60 days, or could be between 30 and 60 days, according to the type of confiscation. When we

address ourselves to the judiciary, we are met with excuses to the effect that the confiscation took place 10 years ago. That, of course, is something which is not true. When confiscation takes place, there has to be information given about it to the people whose land is being taken or why the confiscation has taken place. But, we are told that the confiscation took place 10 years ago and if people object, they have got the possibility to object after 10 years. But, it is obvious that they did not want anybody to have anything against them, that is to say to give anybody the material proof that land has been confiscated after the signing of the Declaration of Principles. So, they claim that it has taken place 10 to 15 years ago.

"The fact that the authorities did not wish to give us any official documents saying that the confiscations are official is revealing. I have told you that it happened quite frequently that they claimed that the confiscation had taken place 10 or 15 years before. Only a week ago, only one week before I came here, it was announced that 30,000 dunums in the area of Hebron are state property, but that in an unofficial manner. The Bedouins who live on those lands have been deported. They are shepherds and the lands were their source of livelihood. This is close to the settlement of Sofar in the area of Hebron, very close to the village of Yatta. We have followed up the case and until now there is no official document whatsoever indicating that the confiscation has taken place. But, in practical terms and on the land, the decision has been implemented. They have deported the people. They have moved them away from the area. They have prevented them from re-entering the area again." (Mr. Khader Shkirat, witness no. 15, A/AC.145/RT.638)

631. The same witness provided the Special Committee with additional information concerning the fate of Bedouins:

"In the area of Jerusalem (that is to say according to the Israeli law outside Jerusalem), there is a settlement called Maaleh Adumim. Around it there were Bedouins, about 150 families. About a month ago, these people were deported, they were made to move away, although they had been living there before 1967. The pretext for the deportation was that they constitute a threat to the settlers. They have been moved to very remote areas close to the Dead Sea. These areas are not fit for pasture because nothing grows there and nobody can live there. The confiscated land has been declared to belong to the settlement of Maaleh Adumim as state property. They claimed that since 1978 those areas had been affiliated to the settlement, but that people had not been deported because the others were being flexible. The question now is before the Supreme Court of Justice. But those people have been moved by force!" (Mr. Khader Shkirat, witness no. 15, A/AC.145/RT.638)

632. Accounts of the annexation and settlement policy pursued by the Israeli authorities in the occupied territories may be found in documents A/AC.145/RT.635 (Mr. Mohamed Omar), A/AC.145/RT.636 (Mr. Ibrahim Khamis Shehada), and A/AC.145/RT.638 (Mr. Khader Shkirat).

Written information

633. On 4 April 1994, the Israeli occupation forces are reported to have started work on a new road linking the settlement of Nitsanim in the east with that of Dugit in the west. Both settlements are located in the area of Beit Lahiya. (The Jerusalem Post, 8 April 1994)

634. On 5 April 1994, it was reported that between 12 and 17 families from Dugit, a village in the north of the Gaza Strip, were living on a temporary camp site 100 metres within the Green Line. They were seeking assistance to move to a permanent settlement near the sea and to protest the security situation. Dugit was reportedly established four years earlier as a fishing village and not an ideologically motivated settlement. (Ha'aretz, Jerusalem Post, 5 April 1994)

635. On 8 April 1994, it was reported that new Israeli measures were being carried out in the area of the Prophet Youssef's Tomb, east of Nablus, which included digging, the destruction of barracks and the uprooting of trees. According to Lawyer Abdul Fattah Fayyad of Nablus, the site could be the nucleus of a new settlement. Fayyad appealed to international organizations to intervene in order to put an end to such practices. (The Jerusalem Times, 8 April 1994)

636. On 15 April 1994, it was reported that six families had joined the Jewish settlement in Hebron since the massacre of Palestinian worshippers at the Ibrahimi Mosque on 25 February. The number of Jewish families living in that city amounts to about 50. An additional 140 to 160 students of yeshivot also live in Hebron. (Ha'aretz, 11, 15 April 1994)

637. On 19 April 1994, Palestinian sources reported that the Israeli authorities had attempted to seize legal documents and original zoning plans from the Gaza Strip Land Registration Department (Tabo) and transfer them to the Israeli Land Department. (The Jerusalem Times, 22 April 1994)

638. On 20 April 1994, the residents of Salfit, a village located in the north of the Nablus district, presented an objection to the military governor concerning the latest zoning map for their village. The two roads planned to pass through their village would require the uprooting of 250 acres of land planted with olive trees. In a separate development, the Israeli authorities are reported to have issued an order informing the residents of Yatta, in the southern part of the Hebron district, that some 20 square kilometers of land near their village would be confiscated. The order gave some 110 families 24 hours to evacuate their homes. (The Jerusalem Times, 22 April 1994)

639. On 28 April 1994, it was reported that the Jerusalem Regional Planning Committee had approved a project to build 395 housing units bordering on the Arab village of Jebel Mukaber, which is located in the eastern part of Jerusalem. Jebel Mukaber, residents stated that some of the land had been expropriated by the Government for public purposes. The project had not yet passed the final hurdle and was still pending approval by Eli Suissa, the head at the Interior Ministry of the Jerusalem District Department. He, in turn, must receive approval from Acting Interior Minister Yitzhak Rabin. (Jerusalem Post, 28 April 1994)

640. On 28 April 1994, it was reported that the Jerusalem Municipality planned to go ahead with the building of a new settlement on land belonging to the Ayzereya, Sheikh Saad and Arab Al Sawahra villages. The new settlement would be called Haraha Homa. The building of a prison was also planned two kilometers away from the settlement. (Al-Tali'ah, 28 April 1994)

641. On 13 May 1994, it was reported that, with the Israeli withdrawal from the Gaza Strip, the Israeli authorities had made widespread efforts to confiscate hundreds of dunums of land that surround the settlements in the Beit Lahiya area in northern Gaza. (The Jerusalem Times, 13 May 1994)

642. On 20 May 1994, it was reported that the security authorities and the Housing Ministry intended to invest around $1.3 million in settlements in the Gush Katif area of the Gaza Strip in order to compensate the settlers, who had agreed to allow the IDF to establish military bases within the settlements. (Ha'aretz, 20 May 1994)

643. On 17 June 1994, the residents of Magher and Raba villages in the Jenin area stated that the Israeli authorities had declared the agricultural area of Wadi Shobash a closed military zone. The closed area is estimated to cover 32,000 dunums of agricultural land. The Israeli military spokesperson subsequently apologized and announced that the matter would be looked into. In another development, the Gaza Centre for Rights and Law issued a document stating that the Israeli military had confiscated scores of dunums of land last May in order to expand the area of the already existing settlements in the Strip and establish military outposts. (The Jerusalem Times, 17 June 1994)

644. On 17 June 1994, the Israeli authorities are reported to have informed the residents of Saniraya village, in the Tulkarm area, that they would be setting up a fence around tracts of land belonging to the village. The land was to be joined to territory already occupied by the Oranit settlement. The authorities indicated that the step was being taken for security reasons. (The Jerusalem Times, 17 June 1994)

645. On 21 June 1994, it was reported that Muslim leaders in Jerusalem had appealed to the PLO and several Arab States to force Israel to halt work on a new tourism project in East Jerusalem. Work had begun on a million-dollar development plan in the Ophel area and the Kidron valley, just outside the walls of the Old City and adjacent to the Temple Mount. The site is holy to both Muslims and Jews because of its proximity to the holy sites on the Temple Mount and because it contains biblical sites holy to Jews. According to Adnan Husseini, the trustee of Moslem properties in Jerusalem and the administered territories, the land being developed was Muslim land that was illegally expropriated. (Jerusalem Post, 21 June 1994)

646. On 21 June 1994, MKs Yehoshua Matza and Emanuel Zissman submitted a bill calling for the annexation to Jerusalem of Maaleh Adumim and Givat Zeev and the roads linking them to Jerusalem. MK Matza also stated that the Palestinian population was currently growing faster than the Jewish population in the city and its surroundings, and that there was more housing construction in Palestinian areas than in Jewish areas. He pointed to the intensive Palestinian construction in A-Ram on Jerusalem's northern boundary and in A-Zo'em to the

east, and estimated that the bill would add 20,000 to 30,000 dunums of land to the city's current area of 110,000 dunums. (Jerusalem Post, 22 June 1994)

647. On 23 June 1994, it was reported that the Jerusalem municipality was finalizing a plan for the expropriation of hundreds of dunums of land, mostly across the Green Line, for the construction of Jewish neighbourhoods and housing projects. The plan came as Palestinian leaders were demanding that Israel freeze housing development in East Jerusalem until the status of Jerusalem was determined in peace negotiations. Most of the land earmarked for expropriation was in the southern part of Jerusalem, but land in northern Jerusalem, adjoining the Ramot and Pisgat Zeev neighbourhoods, was also slated for expropriation. The land in the southern part would be used to build three new Jewish neighbourhoods while work was to begin on another neighbourhood, Har Homa, on land which had already been expropriated from its Jewish and Arab owners. According to Deputy Mayor Uri Lupolianski, who holds the building and planning portfolio at the City Hall, the city wanted to build between 3,000 and 4,000 housing units between Jerusalem and Beit Jalla. The Mayor of Jerusalem, Ehud Olmert, has in the past spoken positively about using expropriated land to help increase the city's Jewish population. Olmert and Lupolianski both saw the building of new neighbourhoods and housing projects as preferable to moving Jewish families into Arab homes in East Jerusalem. All the new housing was slated for Jewish families. (Jerusalem Post, 23 June 1994)

648. On 23 June 1994, the director of the Islamic Awqaf in East Jerusalem, Adnan Al Husseini, reportedly declared that the seizure of the "Saludeha" land, located south-east of the Al-Aqsa Mosque, would lead to the judaization of all the land in the Silwan neighbourhood. (Al-Tali'ah, 23 June 1994)

649. On 27 June 1994, officials of the Islamic Awqaf blocked the path of Israeli bulldozers starting work on the building of a tunnel near the Al-Aqsa Mosque in the Old City of Jerusalem. The area had been declared a "green area" by the municipality. The Islamic Awqaf issued a statement indicating that the land was the property of Muslims and that the objective of the Israelis was to establish a Jewish cemetery there. (The Jerusalem Times, 27 June 1994)

650. On 28 June 1994, it was reported that the Housing Ministry had agreed to lift the building freeze on the northern West Bank settlement of Alfei Menashe and had permitted the local council to develop plans for a local neighbourhood, according to the head of the local council, Shlomo Katan. The freeze, implemented when the Labour Party came to power, was lifted on 170 housing units in varying stages of construction in the Tzavta B neighbourhood. The construction of the other neighbourhood, called Givat Tal, located south-east of the settlement, was frozen after Rabin became Prime Minister two years previously. Several hundred housing units were planned for that neighbourhood as well. (Jerusalem Post, 28 June 1994)

651. On 1 July 1994, it was reported that the residents of Waljah, near Beit Jala, had been served notices that 18 dunums of land from their village were to be confiscated on the grounds that the land belonged to areas within the Green Line. The Israeli media had announced previously the building of 18,000 housing units on Waljah land. Based on these reports, villagers expected further confiscations to occur. (The Jerusalem Times, 1 July 1994)

652. On 7 July 1994, Palestinian landowners in Tulkarm recently reported the erection of roadsigns on their property indicating the Trans-Israel Highway (Road 6), which is currently under construction. The owners indicated that, if the project were to materialize, hundreds of dunums of fertile land would be destroyed. (Al-Tali'ah, 7 July 1994)

653. On 8 July 1994, it was reported that less than two weeks after the attempt to confiscate land next to the Dome of the Rock, Israeli bulldozers had started work on the land owned by the Islamic Awqaf near Beit Safafa on the outskirts of Jerusalem. They uprooted trees and began digging up a 1.5 acre tract of land. (The Jerusalem Times, 8 July 1994)

654. On 16 July 1994, PLO Chairman Yasser Arafat appealed to Palestinians in East Jerusalem not to sell their property to Israelis after a group of Palestinians had complained to Arafat that Israel was confiscating their property in Jerusalem or pressuring them to sell it. Arafat stated that the new Palestinian Authority would buy the land instead and charged Israel with violating the autonomy accord by trying to carry out demographic and geographical changes in Jerusalem. (Jerusalem Post, 17 July 1994)

655. On 18 June 1994, Housing Minister Binyamin Ben Eliezer told the leaders of Kiryat Arba that the Government would not allow the occupation of Kiryat Arba's Ashmorot Yitzhak neighbourhood, but would sell or rent other government-owned apartments in the main settlement area. The Kiryat Arba leaders were also told that the Housing Ministry would help expand the local community centre and complete the construction of a synagogue in the settlement. Several hundred apartments in Kiryat Arba, as well as some 4,000 others in settlements throughout the territories, have stood empty for the last two years largely because of the Government's refusal to place them on the market as part of its settlement freeze. (Jerusalem Post, 19 July 1994)

656. On 25 July 1994, a member of the Jahalin Bedouin tribe received an eviction notice from the office of the Guardian of Absentee and Governmental Property. The notice gave him and other members of his tribe 14 days to evacuate the encampment where they had been living for the past 40 years near the Israeli settlement of Maaleh Adumim, since their expulsion from Negev desert by Israel in 1950. (The Jerusalem Times, 5 August 1994)

657. On 5 August, it was reported that The Jerusalem Post, had obtained an internal report of the Jerusalem municipality, entitled "The Housing Shortage in Jerusalem's Arab Sector", which spoke of a policy of "limiting housing development of the Arab sector". The report, which remained valid, according to senior city officials, revealed that since 1967 only 12 per cent of new homes built in the city were for Arabs. The report stated that the Arab population of Jerusalem suffered from a severe housing shortage, which was the direct result of a planning policy limiting Arab construction in Jerusalem. The report outlined the three principal measures taken by the municipal authorities to curb housing construction for Arab residents, largely through restrictive zoning in their neighbourhoods. The report stated that zoning plans for Arab neighbourhoods normally allowed for less construction per square metre than in Jewish neighbourhoods and rarely permitted high-rise buildings. Also according to the report, large areas of East Jerusalem were zoned as "green areas" which

were off-limits to development, in order to prevent the expansion of Arab neighbourhoods. The report added that the attempt to keep down the Arab population by restricting building had largely failed. The report also addressed the state policy towards Arab housing in Jerusalem, stating that consecutive Governments had limited and continued to limit the construction of new homes in the Arab sector. The city spokesman was unavailable for comments. (Jerusalem Post, 5 August 1994)

658. On 5 August 1994, eyewitnesses reported that Israeli bulldozers had been levelling hundreds of acres of arable land within the limits of the village of Khedr, in the Bethlehem area. The reason cited was the need for more land for an already existing highway linking Israeli settlements to Jerusalem. Villagers confirmed that the road would split their village in two and would make any expansion impossible. (The Jerusalem Times, 5 August 1994)

659. On 5 August 1994, it was reported that the Israeli authorities had issued an order to close off 3,000 acres of arable land in the Jordan Valley. The order barred farmers from entering their land between 1 September until 1 June every year, which corresponds to the planting period for the winter crops. The lands closed off contains 17 subterranean wells considered the main source of water for local farms. Farmers from the area pointed out that their children's education would also be affected since the UNRWA school is located within the area to be closed. (The Jerusalem Times, 5, 12 August 1994; Al-Tali'ah, 10 August 1994)

660. On 8 August 1994, the owner of a banana plantation and two other residents of Jericho were detained over night by the IDF after they had tried to halt excavation equipment working on the Jericho bypass road. They claimed that the tractor was working on their land. IDF officers arrested them when they refused to leave the land in question. (Ha'aretz, Jerusalem Post, 10 August 1994)

661. On 10 August 1994, Palestinian farmers demonstrated against the military order forbidding them to enter their agricultural land near Jiftlik without licence. The order was issued some 10 days earlier and concerned 4,500 dunums (1,125 acres) of land around Jiftlik, an Arab village in the Jericho area not under the Palestinian Authority. (Ha'aretz, 11 August 1994)

662. On 9 August 1994, the High Court of Justice tentatively overruled a government decision to expropriate a plot of land in East Jerusalem. However, because of the importance of the issue, the Court decided to have the case reviewed by an extended panel of justices. The case involved a plot of land in the Sheikh Jarrah neighbourhood of Jerusalem, owned by the Nusseibeh family, which the Government had decided to expropriate in 1968 as a part of a plan to develop the eastern part of the city. The State never took any action to complete the expropriation proceedings concerning the particular plot even after the approval in 1989 of a building plan that included it in 1989. (Jerusalem Post, 10 August 1994)

663. On 12 August 1994, the residents of the Kissan village, south of Bethlehem, confirmed that the Israeli authorities had installed new mobile homes in the Maaleh Amos settlement, which had been built on their land in 1982. They also reported that Israeli soldiers had recently set up a military base in the

village in order to prevent the farmers who were once Bedouins from cultivating their land or even approaching them. In a separate development, it was reported that settlers had been carrying out work on 60 dunums of Palestinian land in the town of Kufur Lakaf, near Nablus. The settlers intended to convert the land into a sports field servicing the settlement of Karney Shomron. (The Jerusalem Times, 12 August 1994)

664. On 15 August 1994, the first plan concerning land recently annexed to Jerusalem, including the construction of over 1,000 new apartment units and several new hotels, was approved by the Jerusalem municipality. The land was part of the almost 15,000 dunums annexed to Jerusalem a year earlier, in an effort by the Government to provide room for development in the city. (Jerusalem Post, 17 August 1994)

665. On 17 August 1994, Irving Moskovitz, a leading supporter of the Ateret Cohanim settlement group, was given permission by the Jerusalem municipality to develop a tourist complex in the Sheikh Jarrah neighbourhood of East Jerusalem. (Jerusalem Post, 18 August 1994)

666. On 21 August 1994, the Israeli authorities notified the residents of Deir Ballut that part of their land would be confiscated for military purposes. Lawyer Hisham Nasser pointed out that the Israeli decision was confusing because the exact location of the land to be confiscated was not indicated. Nasser added that the Israeli decision also applied to land in Hebron, Bethlehem, Ramallah and Tulkarm. (The Jerusalem Times, 26 August 1994)

667. On 22 August 1994, Prime Minister Yitzhak Rabin told Jordan Valley settlement leaders that the Government had released some $4.9 million (or 5.3 million) for the construction of the Jericho bypass road, which would take some seven months to build. (Ha'aretz, Jerusalem Post, 23 August 1994)

F. Information concerning the occupied Syrian Arab Golan

Oral evidence

668. In a statement delivered before the Special Committee at Damascus on 7 May 1994, Mr. Taher Al-Husami, Director of the Department of International Organizations and Conferences of the Ministry of Foreign Affairs of the Syrian Arab Republic, referred to the situation in the occupied Syrian Arab Golan and stated in that connection:

> "In tandem with that occupation, Israel has enacted legislation, implemented measures and used various other means to divest the land and its population of their identity, and to Judaize and exploit that land and its resources in order to install settlements, settlers and military fortifications for purposes of subjugation, aggression and expansion at the expense of depriving the inhabitants of the Syrian Arab Golan of their fundamental freedoms and human rights.
>
> "The number of population centres destroyed amounted to 241, while the number of displaced inhabitants amounted to more than 120,000.

"Israel's agricultural exploitation of the occupied area of the Golan coincided with operations to confiscate land and expropriate and exploit water resources.

"With regard to Israeli operations to exploit the water of the occupied area of the Golan, three distinct methods of exploitation can be identified:

"(a) Surface water is used directly for purposes of agriculture and settlement, as well as to supply Lake Tiberias;

"(b) Water is collected in reservoirs or cisterns for purposes of irrigation;

"(c) In some cases, artesian water is pumped for the above purposes.

"When farmers begin to market their fruit produce, they are not permitted to sell a single crate without notifying the authorities, and require a written permit stating the number of crates so that the number sold can be added up and taxed. Each licence for a vehicle with a three-ton load capacity costs the equivalent of US$ 200. The occupation authorities confiscated a number of unlicensed vehicles, together with their load, and levied taxes of 3 billion shekels on their owners. Owners of vehicles on which any tax is unpaid are imprisoned.

"The occupation authorities prevented farmers from marketing oranges, which they designated as a smuggled and prohibited item, and anyone doing so is brought to trial, which forced farmers having made several trial appearances for that reason to uproot their orange trees.

"The occupation authorities confiscated livestock, which they then removed to remote locations, such as Bi'r al-Sub', and imposed heavy fines for its recovery, which exceeded the value of the livestock itself. They also restricted pastureland to around the villages of the occupied Golan and further confiscated pastureland in the area of Sahita and Tall al-Ahmar, near Mas'ada.

"Israeli settlers, moreover, are shooting and killing Syrian cattle without compensating the owners. Syrian Arabs have therefore been forced by such acts of harassment to sell their livestock.

"Israel continued to establish new settlements and to expand the area of existing settlements in accordance with a plan designed to bring the number of settlements in 1994 to 43 and the number of Israeli settlers to almost 20,000.

"All that is in the context of a plan to expand the existing Israeli settlements in the occupied Syrian Golan with financing from the Israeli Ministry of Finance, which earmarked 20 million shekels to implement that plan with the aim of increasing the number of settlers by some 800 during 1994.

"The Israeli authorities pursued a deliberate policy of imposing taxes which the Arab inhabitants of the Golan are unable to pay, since to do so would require incomes above those which they actually earn.

"The inhabitants of six Arab villages remained under Israeli occupation. Israel replaced the Arab educational curricula in the schools in those villages with Israeli educational curricula, and imposed the Hebrew language on Arab schoolchildren, having made it a main subject. Arab schoolchildren therefore now study three languages at the expense of science and social subjects. These curricula are distinguished by the following:

"(a) The subject of Arab literature is not included among national topics. Instead, it is listed with descriptive and formal topics, and is thus detached from the ambitions and aspirations of young Arab people to construct a free and decent life for themselves;

"(b) The topics in the humanities tend to glorify Israel and its history, and include, for example, the independence anthem ("Preparing the way for you, Tel Aviv"), water projects in Israel, the head of State and other Israeli figures, the Feast of Purim, and other Zionist and Israeli topics;

"(c) The subject of history concentrates on ancient and modern Hebrew history, which is the focus of that subject;

"(d) In the subject of the Hebrew language, the focus is on Israel's history, poets and literary figures, and on historical tales of the Hebrews, the Zionist movement and Israel;

"(e) The focus is on justifying Israel's expansionist aggressive policy, the glorification of aggression and occupation of territory through the use of force.

"The Arabs in the occupied region of the Golan are enduring harsh conditions as a result of Israel's decreasing concern with their health situation and the creation of obstacles to local initiatives to improve that situation. Pressure is being brought to bear in this field with the aim of convincing Arabs to seek treatment at Israeli institutions and establishing the annexation of the Golan as a fait accompli.

"The characteristics of the health situation, its problems and the requirements for solving those problems can be summarized as follows:

"(a) There is a shortage of all types of primary care;

"(b) There is a shortage of specialist doctors;

"(c) There is a need to set up a medical analysis laboratory;

"(d) There is a pressing need for a women's clinic and an obstetrical clinic;

"(e) There is a need for medical treatment which is at least inexpensive, if not free of charge for those in impoverished circumstances;

"(f) There is no acceptable and effective health system;

"(g) There is no X-ray centre;

"(h) There is a shortage of information concerning the different aspects of health;

"(i) There is a need to establish specialist health centres in the existing Arab villages.

"On 17 March 1994, the Israeli occupation authorities detained a number of Syrian Arab inhabitants of the village of Majdal Shams on charges of writing anti-occupation graffiti. They are Samir Muhammad Ahmad; Sadiq al-Qudhmani; Hussein Fakhr al-Din; Hisham Muhammad Sayyid Ahmad; and Akram Mahmud.

"Last but not least, on 17 April 1994, on the occasion of the celebrations of the anniversary of the evacuation, the Israeli occupation authorities deployed approximately 1,000 heavily armed troops in the streets, squares and crossroads of the village of Majdal Shams and other occupied villages in the Golan, and kept the Syrian Arab population under intense surveillance in an attempt to prevent them from joining processions to celebrate that event by chanting national songs and anthems and expressing their rejection of the occupation and their attachment to their country and national identity.

"The Israeli practices in violation of the human rights of the Palestinian people and other Arabs of the occupied territories are one of the results of Israel's occupation of Arab land since 1967, and it has become clear to the whole world that Israel will not desist from those practices unless the occupation is terminated."

669. A witness from the occupied Syrian Arab Golan told the Special Committee about the situation concerning education and health care:

"The curricula have always been modified in order to serve the interests of Israel. They try to put an emphasis on sectarian issues. For example, they have got a subject called the Druze heritage. They used to teach us about the history of the Jews and very little about the history of the Arabs. The teachers who used to teach us were not very professional. The only point about them was that they were loyal to the authorities. Regarding the health services, there is something called the Patients' Fund. The person who likes to subscribe to that fund and become a member must pay a monthly fee. Not all the citizens can or want to become members of that fund. The ones who find themselves obliged to use the hospital services or to be operated for example, find that it is a very expensive venture. Very few people have been allowed to come out here to Syria in order to receive treatment." (anonymous witness no. 33, A/AC.145/RT.646/Add.1)

670. Another witness from the occupied Syrian Arab Golan whom the Special Committee was able to interview in the Syrian Arab Republic stated the following concerning the freedom of education:

> "They allow people to go to their universities. They have changed the syllabus. We are no longer learning about the history of Syria. We are learning about Jewish history. The Arabic language curriculum also is very poor." (anonymous witness no. 34, A/AC.145/RT.646/Add.1)

671. The same witness provided the following information concerning one aspect of the economic situation in the occupied Syrian Golan:

> "The various types of harassment, especially the taxes: I know that the taxation is very heavy there. They take taxes for everything, including the house in which we live, at a value of 1,000 dollars a year. They also take a tax on the animals and the harvest of the farmers. They tax anything you may own, like electrical equipment, shops, groceries, clinics, anything you may have." (anonymous witness no. 34, A/AC.145/RT.646/Add.1)

672. This witness also told the Special Committee about the freedom of movement:

> "No, they wouldn't allow me to go back. I have to stay here now. If there is peace, I can go back. If there is no peace, I have to stay here." (anonymous witness no. 34, A/AC.145/RT.646/Add.1)

673. Finally, she added:

> "He said that there is harassment, the harassment that has been continuing for quite some time." (anonymous witness No. 34, A/AC.145/RT.646/Add.1)

674. The full statement of Mr. Taher Al-Husami, Director of the Department of International Organizations and Conferences of the Ministry of Foreign Affairs of the Syrian Arab Republic, referring to the situation in the occupied Syrian Arab Golan may be found in document A/AC.145/RT.516/Add.9. The other references relating to the above subject may be found in documents A/AC.145/RT.646/Add.1 (anonymous witness), and A/AC.145/RT.646/Add.1 (anonymous witness).

Written information

675. On 6 April 1994, it was reported that the Druze from Majdal Shams in the Golan Heights had appealed for help to Amnesty International to block the temporary exile orders being prepared against seven residents of the village who were suspected of throwing stones and painting nationalist slogans in the region. The seven were arrested on Land Day and police asked the Acre Magistrates Court to deport them for a month to villages in the Haifa and Galilee regions. (Jerusalem Post, 6 April 1994)

676. On 21 April 1994, Prime Minister Yitzhak Rabin stated that he favoured the evacuation of settlements in the Golan Heights in exchange for peace with the Syrian Arab Republic. (Ha'aretz, Jerusalem Post, 22 April 1994)

677. On 29 April 1994, Prime Minister Yitzhak Rabin told the United States Secretary of State Warren Christopher that Israel was willing to sign an accord concerning an unspecified withdrawal from the Golan to be completed in three stages over a five- to eight-year period. However, according to diplomatic sources, Rabin did not commit Israel to a full withdrawal. (Ha'aretz, Jerusalem Post, 1 May 1994)

678. On 9 August 1994, it was announced that the Golan Heights Settlers Committee had decided to intensify its campaign to press for the retention of Israeli sovereignty over the region, despite the apparent lack of progress in the Israel-Syria peace process. The decision was announced as members of the Golan, Judea and Samaria Committee of the Knesset's Likud faction toured the Golan in a show of solidarity with the residents and their "no withdrawal" campaign. (Jerusalem Post, 10 August 1994)

679. On 16 August 1994, Tourism Minister Uzi Baram declared that the Ministry would not support any investment in new tourist projects on the Golan. However, Baram stressed that the Ministry would continue to provide assistance to existing tourist sites and help ensure that projects already under way would be completed. Baram added that the political changes in the region could not be ignored. (Ha'aretz, Jerusalem Post, 17 August 1994)

680. On 21 August 1994, more than 30 out of a total of 80 new homes that had been put up for sale in Katzrin were bought, despite continuing uncertainty over the future of the Golan Heights. Some 500 homes in another housing site in the town had already all been sold already and most were occupied. (Jerusalem Post, 22 August 1994)

V. CONCLUSIONS

681. The following conclusions have been formulated on the basis of the information reflected in the two periodic reports and in the present report of the Special Committee. They have been prepared in accordance with the mandate of the Special Committee under the terms of General Assembly resolution 48/41 A. Since the twenty-fifth report was adopted on 27 August 1993, the conclusions thus cover the period from 28 August 1993 to 26 August 1994. The two periodic reports cover the period from 28 August to 30 November 1993 (A/49/67) and from 1 December 1993 to 31 March 1994 (A/49/172), respectively. The present report concerns the period from 1 April to 26 August 1994.

682. The number of important events as well as the incidents that have taken place in the region during the period under review and the considerable amount of information on the human rights situation received and examined by the Special Committee may not have been reflected in their totality in these reports. The Special Committee has endeavoured, within the constraints imposed by the regulations with regard to the length of United Nations documents, to include in its reports, as faithfully as possible, samples of the information it has received in order to illustrate in the best possible manner the situation of human rights in the occupied territories during the period under review.

683. Since its establishment in 1968, the Special Committee has continuously attempted to secure the cooperation of the Government of Israel but has repeatedly been denied such cooperation, and thereby access to the occupied territories. During the period under consideration in the present report, the Committee has once again addressed a letter to the Secretary-General seeking his intervention in order to convince the Israeli authorities to cooperate. Unfortunately, the Israeli authorities have continued to withhold their cooperation from the Special Committee.

684. Nevertheless, the Special Committee has once again benefited from the cooperation of the Governments of Egypt, Jordan and the Syrian Arab Republic, of various Palestinian representatives and of the United Nations offices in the field, in particular of the United Nations Development Programme (UNDP), and of the United Nations information centres.

685. As it has been precluded from visiting the occupied territories, the Special Committee has conducted, in addition to its regular meetings at Geneva, a series of meetings at Cairo, Amman and Damascus, where it travelled from 26 April to 7 May 1994. It heard the evidence of 37 persons with first-hand knowledge and personal experience of the human rights situation in the occupied territories, in addition to following the situation in those territories on a day-to-day basis through reports appearing in the Israeli press and the Arab press published in the occupied territories. The Special Committee also examined a number of valuable communications and reports from Governments, organizations and individuals concerning the occupied territories that reached it during the current reporting period.

686. In addition, the Special Committee took note of the report of the Special Rapporteur of the Commission on Human Rights to investigate Israel's violations of human rights in the Palestinian territories occupied by Israel since 1967, Mr. René Felber (document E/CN.4/1994/14 of 28 January 1994).

687. In view of the historic developments that have taken place in the region, culminating in the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993 and the signing in Cairo on 4 May 1994 of the Israel-Palestine Liberation Organization Agreement on the Gaza Strip and the Jericho Area, the Special Committee hoped to visit Gaza and Jericho. It was unable to do so during its customary field mission to Egypt, Jordan and the Syrian Arab Republic in view of the delay in the establishment of the Palestinian Authority there. Once authority had actually been transferred to Palestinians in Gaza and Jericho, the Special Committee contacted the Permanent Observer of Palestine to the United Nations Office at Geneva with a view to carry out a follow-up mission to these areas in order to obtain the necessary first-hand information and direct impressions of the situation there before formulating its conclusions and recommendations to the General Assembly. The Committee initially envisaged a visit to Gaza and Jericho during the week of 18 to 25 July 1994, but subsequently proposed the week of 22 to 26 August 1994. On 9 August 1994, the Special Committee received the following reply from the Permanent Observer of Palestine to the United Nations at Geneva:

"I wish to confirm, hereby, the great interest given by the Palestinian authorities to the principle of a visit to Gaza and Jericho of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

"Unfortunately, despite continuous efforts paid by our different channels in contact with the Israeli authorities, under the instructions of President Yasser Arafat himself, we could not get any positive reply from the Government of Israel regarding this matter.

"Therefore, we deeply regret not to be able to give any guarantee for the visit of the Special Committee to Gaza and Jericho."

688. The Special Committee regrets that in the 25 years since its creation, it has never been given the opportunity to visit the occupied territories. It once again appeals to the Government of Israel to give it access to those territories in the same manner in which it has cooperated with the Special Rapporteur of the Commission on Human Rights, thus enabling it to learn directly from both sides the reality of the developments that have taken place and to contribute in the most effective way to the enjoyment of all human rights by all inhabitants of the occupied territories.

689. The Special Committee's current reporting period virtually coincides with the signing of the Declaration of Principles on Interim Self-Government Arrangements in Washington, D.C., on 13 September 1993. That historic event had initially given rise to very high expectations among the population of the occupied territories with regard to the improvement of the human rights situation there. However, on the basis of the information and evidence placed before it, the Special Committee could not but conclude that the general situation of human rights in the territories still remained very serious.

690. According to numerous witnesses who testified before the Special Committee, the situation of human rights in the occupied territories had not only not improved since the signing of the Declaration of Principles, but had actually deteriorated in many respects. One of the principal factors contributing to the lack of improvement in the human rights situation was the increasingly violent behaviour of settlers, of which the massacre that took place at the Ibrahimi Mosque in Hebron on 25 February 1994 is the most tragic example. Concomitantly, the existence of Israeli settlements and the persistent lack of control over settlers were seen as a particularly disquieting additional source of tension.

691. When it took office in June 1992, the present Government of the State of Israel had pledged not to build any new settlements in the occupied territories. On 11 October 1993, the Minister for Foreign Affairs stated that the Government had decided not to dismantle settlements for fear that that would generate serious divisions within the nation (Jerusalem Post, 12 October 1993). Although the Special Committee has had no information about the establishment of new settlements during the period under review, the overwhelming majority of witnesses who testified before it stated that the expansion of a certain number

of existing settlements had gained momentum after the signing of the Declaration of Principles.

692. The expropriation of Arab-owned land was reportedly stepped up significantly before the signing of the Cairo Agreement. The reasons invoked most frequently with regard to the expropriation of land were: security concerns; public use, for example, the construction of roads; unused land, in the confiscation of which Ottoman law is invoked; and the creation of natural reserves and public parks. This has been carried out for the purpose of the expansion of existing settlements, the building of new military camps as part of the redeployment of the Israeli army, the building of new roads and the expropriation of land along the entire corridor of the border with Israel.

693. In January 1994, the Palestine Human Rights Information Centre reported that during the three months following the signing of the Declaration of Principles, 53,385,048 dunums of land were confiscated in the areas of Bethlehem, Nablus, Ramallah, Jenin and in particular around Jerusalem and Hebron. According to the same source, at least 15 settlements had been enlarged during the same period.

694. Earlier, on 18 October 1993, the Commissioner-General of the United Nations Relief and Works Agency (UNRWA) stated: "The Gaza Strip is suffering from almost unimaginable environmental degradation which affects not only the health of the people, but also the very future of Gaza itself." The uprooting of trees in Gaza has continued. Sand was shovelled off beaches for use in Israel, causing desurfacing in quantities described as precluding their future use for touristic purposes. During the first six months after the signing of the Declaration of Principles, more than 10,700 fruit-bearing trees were reported uprooted in the occupied territories. The director of the Environmental Protection and Research Institute in Gaza reportedly stated that a catastrophic water shortage, lack of sewage disposal and solid waste treatment, overcrowding and the uncontrolled use of pesticides were the most pressing problems in Gaza.

695. The continuation of urban development projects near Jerusalem, purportedly to strengthen the so-called Jerusalem security settlement belt, was also reported. For example, on 11 November 1993, it was reported that a committee appointed by the Government had approved a plan for massive Jewish development in the administered territories, from the eastern borders of Jerusalem to the outskirts of Jericho that would connect Maaleh Adumim and the settlements located between Jerusalem and Mitzpeh Yericho into a single bloc to be called Gush Adumim. Some 5,000 dunums of land belonging to Arab villages near Jerusalem were included in the development area where the planners hoped to settle some 70,000 Jews (Jerusalem Post, 11 November 1993). In addition, the Jerusalem City Council approved a controversial plan to build 110 apartments for Jewish families in Ras el-Amud, an Arab neighbourhood of East Jerusalem. On 7 November 1993, the Jerusalem Post reported that the city's Mayor-elect Ehud Olmert had stated that he favoured the construction of Jewish neighbourhoods in East Jerusalem in order to prevent the city from being divided by a peace agreement with the Palestinians. By contrast, on 2 June 1994, 240 Palestinian families were served with notices by the Jerusalem municipality that their houses were to be demolished for lack of building permits. It was

reported that some 2,000 Palestinian-owned houses in East Jerusalem were slated to be demolished for the same reason.

696. One of the most serious developments, which has had an adverse effect on the situation of human rights in the occupied territories, is the sharp increase in the number of violent acts committed by settlers against Arabs and on Arab-owned property, especially since the signing of the Declaration of Principles. It should also be mentioned that acts of violence have been committed by Palestinian opponents of the peace agreement, particularly the members of the Hamas movement, who have staged a number of bombings in Israel.

697. To show their opposition to the peace accord, settlers, whose number is estimated at more than 100,000, have burned tyres and blocked roads, often to prevent persons from the occupied territories from going to work in Israel. They have conducted raids and attacked Palestinian houses and overturned, damaged or destroyed vehicles and trees. They have beaten up and threatened civilians in the street and fired shots, at times from automatic weapons, and thrown grenades. Settlers have reportedly also smashed school windows, organized assaults on ambulances and fire engines, thrown salt into vineyards and set fire to Arab-owned greenhouses, crops and equipment. Before the arrival of Yasser Arafat in Jericho, settlers caused tension in the West Bank by blocking several roads leading to Jericho in order to stop Palestinians in West Bank from taking part in the celebrations. During the same period, Arab-owned property was damaged in the Old City of Jerusalem. Settlers are reported to have frequently committed provocative acts in mosques and places of worship and their offensive behaviour has interfered in Islamic religious life.

698. Despite their increasingly aggressive and violent behaviour, most settlers have acted with impunity and the army appeared reluctant to intervene. In several instances, there is convincing evidence that settlers are systematically armed and that the activities of settlers may have been condoned by the IDF. In a report published in March 1994, the Israeli human rights organization B'tselem stated that the Government had ignored and often chosen not to take the necessary measures to protect Palestinians from Israeli civilians, in particular from settlers. According to the Gaza Centre for Rights and Law, some 4,000 to 4,500 soldiers were currently engaged in protecting 4,500 settlers in the Gaza Strip. On the other hand, even after the establishment of the Palestinian authority, some 40 per cent of the territory in the Gaza Strip was still taken up by settlements, military installations and the so-called "yellow" security zones. The remaining 60 per cent of the territory was left for some 800,000 Palestinians.

699. The most tragic example of violence committed by settlers is the killing by Dr. Baruch Goldstein, a member of the Kach movement and physician from the Kiryat Arba settlement, of at least 29 worshippers at the Ibrahimi Mosque located in the Tomb of the Patriarchs in Hebron during the morning prayers on 25 February 1994. In addition, at least 90 persons were wounded inside the mosque. As a direct consequence of the Hebron massacre, another 13 persons were killed and 217 injured in the West Bank and 8 persons were killed and over 240 injured in the Gaza Strip during the period 26 February to 8 March 1994, one quarter of whom were under 16. Several persons who were wounded during the massacre at the Ibrahimi Mosque and who later testified before the Special

Committee resented in particular the fact that at least three persons who had come to the Ahli hospital in Hebron to donate blood after the news of the massacre had spread had been shot dead by the army in front of the hospital, during the general commotion which followed the massacre.

700. On 18 March 1994, the United Nations Security Council adopted resolution 904 (1994) in which it strongly condemned the massacre in Hebron and called upon Israel to continue to take and implement measures, including, inter alia, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers. In addition, it called for measures to be taken to guarantee the safety and protection of the Palestinian civilians throughout the occupied territory.

701. According to an investigation conducted by the International Commission of Jurists from 7 to 10 March 1994, Dr. Goldstein had reloaded his machine-gun several times and fired at least 111 bullets. Dr. Goldstein had reportedly passed two Israeli military checkpoints wearing a military uniform and told a soldier at the first checkpoint that he was on reserve duty. According to the investigation, only four out of the usual nine guards were on the premises of the Tomb. The report also indicates that, in the pandemonium that followed, the four soldiers on duty responded to the crisis by closing the East Gate of the building and opening fire. When the evacuation of the wounded started, soldiers are said to have obstructed the evacuation efforts by interfering with the transport of the wounded. In one case, they are said to have stopped cars transporting casualties to allow a bus of settlers to pass.

702. On 27 February 1994, the Israeli Government decided to appoint a Commission of Inquiry into the Massacre at the Tomb of the Patriarchs in Hebron. In the press release it issued on 7 May 1994 at the end of its field mission to the region, the Special Committee welcomed the establishment of the Commission of Inquiry and called for a full and impartial investigation and the taking of appropriate steps by the Israeli authorities to bring those responsible to justice, compensate the victims and to prevent such events from recurring in the future.

703. The Commission of Inquiry, which was headed by the Chief Justice of Israel, Judge Meir Shamgar, presented its findings on 26 June 1994. The Commission concluded that Baruch Goldstein bore direct responsibility for the massacre, that his actions were premeditated and that he acted alone. The Commission found no evidence indicating the existence of an accomplice. The report indicated:

> "He took full advantage of the prestige and trust he had acquired while serving as a doctor and reserve officer. His appearance at the Tomb, in uniform, bearing the insignia of his rank, created an impression designed to remove all obstacles from his path ... Consequently, his presence at the Tomb did not raise any suspicion or concern, nor draw any particular notice."

The Commission's report concluded that the massacre could not have been prevented since the political leadership and security forces could not have been expected to predict such an attack. Nevertheless, the investigation conducted

by the Commission of Inquiry revealed serious deficiencies in the coordination and deployment of the forces in charge of security at the Tomb of the Patriarchs.

704. As concerns the reaction of the two soldiers who were on duty outside the East Gate of the building who closed the gate and fired shots in the air and towards the wicket door, the Commission concluded:

> "The way in which the guards at the East Gate acted upon hearing the shots was understandable and reasonable, taking into account what they might have been able to guess and understand about the circumstances. Closing the East Gate was necessary according to them, in order to prevent their being overwhelmed by the mob of worshippers, or their being flanked by the person(s) as yet unidentified, doing the shooting."

705. A field worker from the Israeli human rights organization B'tselem informed the Special Committee that the lack of action on the part of the Civil Administration after the massacre had led to the increase in the number of deaths. He indicated that:

> "The Civil Administration did not call the military ambulances, the ambulances of the Israeli hospitals or even the ambulances of the Israeli settlements in Hebron. This compelled the Hebron hospitals to call ambulances from Jerusalem, Bethlehem and Ramallah, although there are ambulances in every settlement."

It should also be recalled that the Israeli authorities do not permit radio communications in Palestinian ambulances for security reasons, which makes communication between ambulances and hospitals extremely difficult and adversely affects the emergency treatment of injured persons. On the other hand, the Commission of Inquiry stated:

> "The medical authorities of the military administration, as well as the Health Ministry and Hadassah hospital, offered assistance (airlifting to hospitals in Israel, supplying medicines, offering hospitalization in Israel) which were turned down by the non-governmental Arab hospitals, for non-medical reasons."

706. It was revealed during the hearings of the Shamgar Commission of Inquiry that army orders forbade soldiers from firing at settlers, even in cases when the settlers were unlawfully shooting at Palestinian residents. The Commission explained:

> "The special constraining instructions regarding firing on Jews in the event of disturbances were required also by the objective circumstances in Judea and Samaria; Arabs are forbidden to carry arms. Israelis are permitted to carry weapons, and this is even essential due to the security situation which prevails in the area. When a soldier appears on the scene and sees a Jew aiming his weapon to fire, he usually cannot know on the spot - or without any explanation - if the individual is shooting in response to something else, in self-defence against a terrorist attack, or if it is premeditated shooting directed at something and initiated by the

gunman ... On the other hand, if a soldier sees an Arab resident carrying a weapon and shooting, the factual assessment of the situation is that he is shooting in order to carry out an attack."

This confirms the long-standing complaints that have been made that whatever concerns settlers, there is a presumption of innocence whereas regarding Palestinians there is a presumption of guilt.

707. The Commission indicated that army personnel, Kiryat Arba residents and other Israelis were gradually allowed to carry weapons inside the Tomb of the Patriarchs. With regard to Baruch Goldstein, it stated:

"He wore his army uniform with the insignia of rank, creating the image of a reserve officer on active duty. As someone who served in the Brigade, he would not have been prevented from carrying a weapon inside the Tomb, even if an ordinary citizen would have been prevented from doing so under the same circumstances."

708. Upon the completion of its task, the Commission of Inquiry recommended, inter alia, that:

"Entry into the Tomb by individuals carrying weapons [should] be absolutely prohibited and ... civilians or soldiers [should] not carry weapons inside the Tomb, except for the special security force operating inside the Tomb or for a backup unit which is called in the event of emergency ... It is suggested that the open fire instructions be reformulated in a clear manner, with reference to disturbances and violent offences."

The allegation of human rights organizations and others that the Israeli army was systematically arming settlers was confirmed by the following recommendation:

"At least once a year, or after unusual events, a review will be conducted of the policy of distributing weapons to the Jewish citizens of Judea and Samaria."

709. It should be recalled that the settlers from the Kiryat Arba settlement and the Hebron area have been among the most violent in the whole of the occupied territories. It has also been reported that the other principal areas of settler unrest in the occupied territories are: the Ariel and Karni Shomron settlements in the Tulkarm area, the Alon Moreh, Maaleh Ephraim and Karni Shomron settlements in the Nablus area, the Tsmut Dutan settlement near Jenin and Matih Benyamin in the Hebron area. On 25 March 1994, exactly one month after the Hebron massacre, it was reported that a settler had shot dead a Palestinian man who was kneeling in prayer by a highway in southern Israel.

710. The Special Committee noted with interest that after the Hebron massacre, the Kach and Kahane Hai movements, whose members are among the principal instigators of settler violence against Palestinians, were outlawed by the Israeli Government on 13 March 1994 and a number of their leaders placed in administrative detention. For example, the Kach movement had claimed responsibility for the killing of a 54-year-old man from Turmus Aya, near

Ramallah, on 19 December 1993. Baruch Goldstein who perpetrated the massacre at the Ibrahimi Mosque in Hebron was a member of Kach. In addition to the two movements mentioned above, the members of the "Road Security Committee", which is affiliated with the Kach movement, have also attacked civilians and Arab-owned property.

711. The Special Committee noted that, on 28 February 1994, the Knesset adopted a resolution condemning the Hebron massacre, which was adopted with 93 votes to 1, with 7 abstentions. The resolution expressed the Knesset's "deep shock" and condemned the "criminal and revolting murder". On 26 April 1994, the Ministry of Justice and the Constitutional Committee of the Knesset had issued new firing orders to settlers that stipulated that no settler was allowed to open fire on an attacker (Palestinian) unless his life was in immediate danger.

712. One of the principal concerns expressed by the persons who testified before the Special Committee was the continued disregard by the Israeli army for the life and safety of the residents of the occupied territories. Many of the persons who spoke before the Special Committee stated that the soldiers continued to fire readily and that most of the persons who had been shot were shot in the head, neck or chest, which almost invariably resulted in death. Numerous instances of random shooting by troops were reported, often with live ammunition and involving minors. In most cases, soldiers were not shooting in self-defence and the persons shot were either hit by accident or were not involved in any violent activity. Flagrant examples are a seven-year-old boy and an eight-year-old girl who suffered liver damage after being shot in the back on 5 April 1994 in front of the Jabalia health centre. Also in April, Israeli soldiers are reported to have used children as human shields while quelling disturbances in the Jalazone and Kalandia refugee camps near Ramallah. The Special Committee was informed that since the signing of the Declaration of Principles on 13 September 1993 until the end of July 1994, 134 Palestinians were killed by Israeli security forces, 17 of whom were under 16 years of age. In Israel, 6 Palestinians were killed by the security forces and one Palestinian by Israeli citizens.

713. The action of undercover units of the IDF has continued unabated in the occupied territories during the current reporting period. On 17 January 1994, the Jerusalem Post reported that the commander of the IDF's Duvdevan undercover unit had stated in a report published in the army magazine Bamahaneh that the unit had not decreased its activities since the signing of the Declaration of Principles. In addition to violating international law with regard to extrajudicial and summary executions, the operations of undercover units often cause loss of life, serious injury and the destruction of private property of Palestinians who were not targeted by them. A flagrant example of the continued action of undercover units is the killing of six members of the Fatah Hawks at the Jabalia refugee camp in the Gaza Strip on 28 March 1994. The men, who were not even on the wanted list of the security services, were reportedly shot dead while distributing political leaflets and talking to bystanders and had not engaged in any violent activity. One of the men reportedly managed to escape the shooting to a nearby petrol station but was followed by a member of the undercover unit who grabbed him by the neck and shot him in the head.

714. In addition, numerous residents of the occupied territories were shot dead at army roadblocks. The Israeli human rights organization B'tselem reportedly stated that the army was not abiding by its own regulations for setting up roadblocks properly and that soldiers manning the roadblocks often violated the rules for opening fire. Although the rules for opening fire indicate that soldiers should shoot at the tyres of suspicious cars, numerous cases when soldiers fired directly at the windshield were reported. The members of the Special Committee were shown photographs of such vehicles. It was reported on 2 January 1994 that the IDF had closed most of its permanent checkpoints except those located in Jerusalem in order to start setting up mobile "surprise" checkpoints.

715. It should also be noted that there was a considerable increase in the number of Israelis killed during the period under review. It was reported that the number of Israelis killed in the context of the uprising in 1993 had increased by more than 50 per cent in comparison with 1992. During the current reporting period, 28 Israelis were killed by Palestinians.

716. The level of violence was somewhat lower both in the West Bank and the Gaza Strip after the signing of the Declaration of Principles. However, disturbances resulting in numerous casualties resumed at the end of November and the beginning of December. Confrontations became increasingly violent after the bomb attacks in Afula and Hadera on 6 and 13 April. Before the signing of the Cairo Agreement on 4 May, the Central Command of the Israeli army is reported to have issued new guidelines for opening fire, which applied especially to situations of riots and stone-throwing, stipulating that live ammunition could only be used in the event of a "real life-threatening situation". Violence subsided considerably after the handover of military posts and police stations to Palestinians when the IDF withdrew formally from Jericho and the Gaza Strip and when joint Israeli-Palestinian patrols took up their duties on 21 May. On 22 June, the Chief of Staff informed the Knesset Foreign Affairs and Defence Committee that the number of attacks in the areas under autonomy, the administered territories and inside Israel had dropped dramatically in the past four months, but warned that the decline could be temporary. Since that time, a violent confrontation resulting from excessively long and laborious procedures of permit verification erupted on 17 July at the Erez checkpoint between Israel and the Gaza Strip, when two Palestinians and one Israeli soldier were killed and some 70 people wounded. Sporadic outbreaks of violence have recently taken place in Hebron, Nablus and Ramallah.

717. Although the practice of harassment of Palestinian civilians had, in general, diminished during the period under review, it was reported that on 16 November 1993 Knesset Member Tamar Gozhansky wrote a letter of protest to the Minister of Labour and Social Affairs as a result of complaints filed by Palestinian workers employed in Israel had been stopped by the Border Police for humiliating searches for more than an hour at points where they gathered in order to get a ride home. She reportedly indicated that security was an implausible explanation for the searches since the workers were leaving Israel. Civilians have on occasion been harassed, their furniture smashed and belongings ransacked during searches for wanted persons.

718. The Israeli authorities have continued to impose measures of collective punishment on the population of the occupied territories during the period relevant to the present report. Night curfews and round-the-clock curfews have continued to be imposed at various times on numerous localities. Witnesses who testified before the Special Committee underlined in particular how unjustified they thought it was to impose a curfew on the Palestinian and other Arab population of Hebron after the massacre at the Ibrahimi Mosque, of which they were the victims. Hebron was declared a closed military zone and a 24-hour curfew was imposed on the city. All cities of the West Bank and most of the Gaza Strip were placed under curfew for one or two weeks. Hebron remained under curfew for more than a month. The measure did not include settlers, however. Between 26 February and 2 March, curfews were imposed throughout most of the West Bank and Gaza Strip. The same measure was applied for two days to the Jabalia refugee camp after the killing of the six members of the Fatah Hawks. Hebron was placed under an eight-day curfew between 7 and 11 July after the killing of a 17-year-old Israeli girl. On 17 May, the night curfew which had been in force in the Gaza Strip for seven years was lifted.

719. The closure of the occupied territories and their virtual division into five separate parts, the northern West Bank, the southern West Bank, the Jerusalem area, the Gaza Strip and the occupied Syrian Golan, which came into effect at the end of March 1993, has not been officially lifted and was implemented more or less strictly in the course of the reporting period. Almost 2 million Palestinians who live in the occupied territories have been affected by this measure. After the Hebron massacre on 25 February 1994 and the bomb attacks that took place in Israel on 6 and 13 April, the occupied territories were closed almost hermetically.

720. Before the closure first applied on 31 March 1993, some 120,000 residents of the occupied territories, whose economy is almost totally dependent on that of Israel, used to work within the Green Line. The virtually hermetic closure aggravated even further the already critical economic situation prevailing in the occupied territories, especially in the Gaza Strip, where the unemployment rate is estimated at 45 to 50 per cent. The rate of unemployment in the West Bank is currently estimated at 30 per cent.

721. The closure of the occupied territories paralysed life in general and gave rise to serious food shortages. Numerous families, particularly those of prisoners, began receiving emergency food assistance from the United Nations. At the time of the finalization of the present report, approximately 50,000 Palestinian labourers were working again in Israel, which is almost the same as the level before the Hebron massacre. Preference in issuing permits was given to married Palestinians aged over 27 who had been working in Israel for five years.

722. A report published by the International Labour Organization (ILO) in 1994 indicated that the economy of the occupied territories remained underdeveloped and fragmented, dependent and subject to massive constraints, vulnerable to unpredictable external shocks and hardly managed. It stated further that informed observers estimated that poverty was on the increase and only kept under control through special assistance programmes for thousands of households without a breadwinner. Lastly, the report stated that, in spite of encouraging

signals, many Palestinians remained sceptical about prospects of rapid economic growth and development.

723. The Special Committee was informed that in order to compensate for the loss of labour force as a result of the closure, the Israeli authorities had authorized employers to bring workers from foreign countries who were reportedly employed in particular in the fields of agriculture and construction. On 10 April 1994, the Cabinet decided to grant new work permits to 18,000 foreign workers to substitute for Palestinian labourers who were not allowed to enter Israel. On 29 May, the Cabinet authorized the import of 25,000 foreign construction workers. When the present report was finalized, the Ministry of the Interior had approved a total of 14,644 permits for foreign workers, mostly from Romania, Bulgaria and Thailand.

724. An additional illustration of the seriousness of the economic situation, in particular in the Gaza Strip, which was brought to the attention of the Special Committee are the frequent cuts in the supply of electricity. Numerous inhabitants of the occupied territories who have remained without an income are unable to pay their electricity bills. The power cuts were reportedly imposed on entire neighbourhoods even if only a few persons had not paid their bills. The Committee was told about the tragic example of a newborn infant who was ill and had to be given food that had been stirred in a blender. The baby's father reportedly had to go from one end of the Gaza Strip to the other, depending on the electricity supply, in order to prepare the food in the proper manner. The baby died.

725. The complete closure of the occupied territories also resulted in severe shortages of medicines and medical and surgical equipment as well as food at the hospitals in the occupied territories, which usually have considerably fewer contingency supplies than hospitals in Israel. A witness who testified before the Special Committee stated that, as a whole, the medical situation inside the occupied territories was 20 to 30 years behind that of Israel and that the occupied territories were totally dependent on Israel in that respect.

726. For example, as a result of the closure, the Makassed hospital in East Jerusalem experienced a 55 per cent decline in the number of out-patients and a 27 per cent decline in the number of in-patients. The situation in the Gaza Strip was described as being the worst, with no oncological care available. Patients requiring radiotherapy or chemotherapy could only be treated in Israel. The Special Committee was informed of a particularly serious case of a woman from the Gaza Strip who had to undergo radiotherapy in Israel every day and whose husband was compelled to wait for up to eight hours in front of the Civil Administration every day in order to obtain entry permits to Israel. At the end of April 1994, there was also a problem with the supply of oxygen in the Gaza Strip since the trucks that carry the empty oxygen tanks to be refilled in Israel were not allowed to enter. All elective operations had to be stopped as a result.

727. The health services provided by medical institutions in the occupied territories in general are not only poor but hospitals also have limited capacities. For example, the World Health Organization (WHO) prescribes that in any given area the ratio of beds available per number of patients should be a

minimum of two beds for every 1,000 persons. In the Gaza Strip, the ratio of beds available in hospitals with regard to the population is 1.1 for every 1,000 persons, while it is 6.1 beds per 1,000 persons in Israel. One ambulance serves 5,000 persons in Israel and 16,000 persons in the Gaza Strip. It has been reported that when the per capita government spending on health care was $500 in Israel, the same expenditure in the occupied territories ranged from $18 to $23. At the time of the finalizing of the current report, only 25 per cent of the Palestinian population in the occupied territories were covered by the health insurance scheme provided by the Civil Administration.

728. Hospitals and medical institutions have also been fired at, raided or used as outposts by the army in operations involving the search for fugitives or the quelling of disturbances. On 2 March 1994, tear-gas fired into the grounds of Alia hospital in Hebron was reportedly carried by the wind to the paediatric wing and the children had to be moved from it into the operating theatre. On 22 and 23 March, in addition to detonating explosive charges, the army is reported to have fired all night and part of the following day anti-tank rockets from the roof of the Mohammed Ali Mohtasseb Children's Hospital in Hebron at a house in which members of the armed wing of Hamas were thought to be hiding. In addition, the electricity in the whole city was cut off during the operation. Such incidents can have a lasting negative psychological effect on the children in the hospital. On 2 July 1994, some 100 members of the Israeli Border Police and security personnel reportedly raided the Augusta Victoria Hospital in Jerusalem, breaking into rooms and operating theatres and causing damage to furniture and doors. They reportedly even entered a room where a woman had just given birth and ill-treated her husband.

729. The outbursts of violence and the resulting deterioration of the human rights situation have also limited the enjoyment of a certain number of fundamental freedoms, which was mostly influenced by the closure of the occupied territories after the Hebron, Afula and Hadera incidents. Both the closure and the imposition and strict enforcement of curfews have severely restricted the freedom of movement of the population. Even "regional closures" prohibiting residents from travelling beyond city limits were imposed in Jenin, Tulkarm and Kalkiliya.

730. After the Hebron massacre, the enjoyment of the freedom of religion was restricted by the closing of the Cave of the Patriarchs where the Ibrahimi Mosque is located for at least five weeks. In view of the circumstances created by the incident, the movement of Muslim worshippers on the Temple Mount as well as Jewish worshippers going to the Western Wall in Jerusalem was also limited. On 20 March 1994, it was reported that only persons over the age of 40 would be given access to the Temple Mount for Friday prayers. It was estimated that there were 10 times fewer worshippers attending the Friday prayers in the compound during Ramadan.

731. All permits to enter Israel were annulled after the suicide car bomb incident that took place in Afula on 6 April 1994 in which 8 persons were killed and 44 injured and after the explosion of a bomb that killed 5 Israelis and injured 32 others at the central bus station in Hadera on 13 April. On 20 May, the Israeli authorities invalidated all old entry permits after the killing of two Israeli soldiers at Erez that day. The Gaza Strip was tightly sealed for a

week. On 21 June, the Association for Civil Rights in Israel stated in its annual report that the GSS was increasingly withholding travel permits from residents of the territories who refused to collaborate with the Israeli authorities. On 30 June, it was announced that West Bank identity card holders were banned from Jerusalem.

732. The Special Committee noted with interest that the Civil Administration in the West Bank had approved 115 applications for family reunification in the Nablus area on 15 June 1994.

733. Nevertheless, a number of Palestinian dignitaries are reported to have been prevented from attending meetings at the Orient House, the PLO headquarters in East Jerusalem. On 5 June, the Israeli Minister of Police stated that Israel would bar Palestinians from setting up new offices in Jerusalem and would arrest any armed guards at existing offices. It was reported that Prime Minister Yitzhak Rabin had stated that Israel would limit activities of the Orient House in order to prevent Palestinians from running their autonomy government from outside Gaza and Jericho. However, on 14 June the Israeli Government decided not to initiate legislation aimed at restricting Palestinian political activities in East Jerusalem.

734. Freedom of education has continued to be hindered sporadically throughout the occupied territories, especially with regard to the movement of students and teaching staff between the Gaza Strip and the West Bank, despite the fact that they are considered a single territorial unit in the Cairo Agreement. More than 1,300 students whose permits and identification cards had been confiscated by the Israeli military authorities were affected by such restrictive measures as a result of the closure. The lengthy bureaucratic procedures involved in the process of reapplying or renewing permits often resulted in considerable loss of class time or the suspension of studies. After the Hebron massacre, all government, private and UNRWA-operated schools were opened only on 16 March, after 18 days of closure in the West Bank and 14 days of closure in the Gaza Strip. The students from Gaza were unable to complete mid-year exams in the West Bank. In addition, incursions by the army into educational premises, including those of UNRWA, have continued.

735. Tear-gas canisters and percussion grenades were thrown into school compounds and students were arrested on a number of occasions. On 24 March, three girls from the Jabalia Elementary Girls' School had to be treated for tear-gas inhalation. It should be recalled that when fired into confined spaces, tear-gas can cause serious injury such as intense pain to the eyes and asphyxiation. If the persons are young, old or ill, inhaling excessive amounts of tear-gas can even result in death.

736. As concerns the freedom of expression, it has been reported that the journalists covering the settlers' unrest in the territories were subjected to "continued harassment" by the IDF. Certain areas of the occupied territories, including Jericho, were ordered closed to journalists, thus preventing them from covering the withdrawal process. In addition, only 15 journalists with foreign passports and foreign press cards who had signed a waiver absolving the army of responsibility for their safety were reportedly allowed to enter Jericho freely

and ensure the media coverage of the handover. Local reporters were not admitted.

737. During the period under review, attention has been drawn in particular to the leniency concerning the administration of justice with regard to settlers, of which the Hebron massacre is the most tragic result. Although a governmental inquiry had found "substantial deficiencies" in the way the police handled offences imputed to Jewish residents of the occupied territories as early as 1982, no significant steps were taken to remedy the situation, virtually implying tacit consent. Formal complaints filed by Palestinians against settlers are seldom followed up. According to research conducted by the Israeli human rights organization B'tselem, of the approximately 62 cases of Palestinians killed by settlers since the beginning of the intifadah, over 75 per cent did not result in any criminal prosecution. If charges were brought, the settlers found guilty, usually not of murder, were sentenced to between three to six months' imprisonment. An interesting point was made in that regard by the Commission of Inquiry into the Hebron massacre headed by Justice Shamgar, which stated:

> "The Police also believed that it had no obligation to investigate unless the victims of the crime personally filed a complaint, and that a complaint filed by a soldier who witnessed the crime, for example, was not sufficient."

It deemed the approach "contrary to the one accepted under our law regarding the manner of opening an investigation ... particularly in circumstances in which there is reason to assume that the victim fears filing a complaint with the police".

738. It was reported that the Israeli newspaper Yediot Aharonot had published an interview with the military commander of Hebron on 16 December 1993 in which he reportedly confirmed that settlers who were taken to court by the IDF were usually released half an hour later, pending police investigation, which seldom yielded any results. He reportedly added that he had no authorization to chase or arrest Jewish children who attacked Arab property while Arab children were detained for similar offences and only released against the payment of very high fines by their parents.

739. The practice of imposing harsher sentences on Palestinians as compared with those meted out to Israelis who had committed similar offences has continued. On 10 January 1994, the Jerusalem Post reported that the military courts in the territories had been imposing harsher sentences for security violations since the signing of the Declaration of Principles. It gave the example of a 17-year-old youth who had been sentenced to eight months' imprisonment for throwing a stone at a military vehicle. On 3 July, a 15-year-old Palestinian was sentenced by the Nablus Military Court to 15 months' imprisonment for throwing stones at IDF forces. Such violations reportedly used to be punished with a two-month sentence. By contrast, on 25 December 1993 the Tel Aviv District Court sentenced Border Policeman Boaz Nahmani to six months in prison and a year's probation for the killing of 13-year-old Issam Mughrabi.

740. The Special Committee noted with interest, however, that, on 5 December 1993, the Haifa District Court awarded approximately $468,230 to Ashraf Mahmoud Ibrahim, 18, from the Nur Shams refugee camp in the West Bank who had been blinded by IDF gunfire in May 1986. The Committee also noted that on 9 June 1994, the Jerusalem District Court awarded approximately $17,500 to the family of Mohammed Ayoub who had been killed by IDF gunfire five years earlier.

741. Although the powers of the Israeli military government in Gaza and Jericho were transferred to the Palestinian authorities after the signing of the Cairo Agreement on 4 May, the laws and military orders previously enforced in those areas have remained in force, constituting an obstacle to genuine self-rule. It should be recalled that more than 1,400 military orders have been issued in the West Bank and more than 1,100 in the Gaza Strip.

742. No expulsions were reported to the Special Committee during the period under review. A number of long-term deportees had continued to be allowed to return in stages to the occupied territories after the signing of the Declaration of Principles. As concerns the deportees who were expelled to the so-called "security zone" in southern Lebanon in December 1992, all but 18 had returned by the end of 1993, 17 of whom remained in the Syrian Arab Republic. A number of those who returned were arrested and imprisoned on various offences. The Special Committee was able to meet in Damascus with 3 of the 17 former deportees who described in detail the circumstances of their expulsion.

743. In general, during the period under review the conditions of detention did not improve and prisoners reportedly staged protests against water shortages, shorter bathing time, lack of fresh air in the cells caused by covers placed over the windows, detention in isolation cells and the confiscation of prisoners' belongings. After the Hebron massacre, prisoners complained of not being allowed to receive visits of from family members. After the bombings in Afula and Hadera, it was reported that on 11 April all buses heading towards the prison in the Negev desert were turned back by the Israeli authorities although all the visitors on board were in possession of special permits obtained through the Civil Administration and ICRC.

744. The Special Committee welcomes the closing in May 1994 of the Nitzan isolation section of Ramleh Prison where the conditions of detention were described as subhuman. It has been reported that the prisoners who were detained at Nitzan were transferred to the Jneid, Beersheba and Nafha prisons. The Special Committee was informed, however, that isolation sections continued to exist in other Israeli prisons and detention centres.

745. Torture and ill-treatment of prisoners, especially during interrogation, have continued in the course of the period under review. Some of the methods of interrogation the Israeli authorities have reportedly not denied using were: hooding with dirty and often wet sacks, solitary confinement, prolonged sleep deprivation, which is often achieved as a result of "position abuse" such as tying a prisoner to an extremely small chair. Such a chair was used during the interrogation of Mr. Bassem Tamimi from Al Nabi Salem near Ramallah who was tortured by the Shabak, Israel's principal intelligence agency in matters of internal security, after his arrest on 9 November 1993, almost two months after the signing of the Declaration of Principles. During his testimony before the

members of the Special Committee, Mr. Tamimi described in detail the treatment he had received during interrogation (see paras. 570-573).

746. Two deaths in detention occurred during the period under review. On 7 October 1993, security prisoner Ahmed Adel Hassen Ismail, 43, collapsed while jogging in the yard of Nablus prison. On 25 October, Yehya Abdel Latif Ali Al-Natur, 24, died as a result of medical negligence in Jneid prison in Nablus while serving the third year of his 11-year prison term. Mr. Al-Natur suffered from heart and kidney ailments and he is reported to have started to experience health problems after his interrogation period, which lasted 70 days.

747. In April 1994, Amnesty International published a report entitled "Israel and the Occupied Territories: Torture and Ill-Treatment of Political Detainees" in which it expressed serious concern about the persistent use of torture and ill-treatment by the Israeli authorities. Prolonged incommunicado detention during which detainees were held in total isolation from the outside world was seen as increasing the risk of torture. The report also pointed out that torture and ill-treatment also gave rise to shortcomings in the administration of justice, which, in addition to pressuring detainees into accepting plea bargains, reportedly often used confessions and other statements obtained during incommunicado detention as the principal evidence against detainees brought before the military courts in the occupied territories.

748. In June 1994, Human Rights Watch/Middle East published a report entitled "Torture and Ill-Treatment: Israel's Interrogation of Palestinians from the Occupied Territories", stating that despite the withdrawal of most Israeli troops from Gaza and Jericho, torture and ill-treatment continued to be practised by Israel's interrogation agencies in the areas of the West Bank that remained under direct Israeli military rule. The report charged both the GSS and the IDF of systematically and severely abusing Palestinians being held for interrogation. The report was based partly on interviews with 36 Palestinians, 10 of whom were interrogated since the signing of the Declaration of Principles in September 1993. According to the report, detainees were subjected to a systematized, coordinated and increasingly painful regime of physical constraints and psychological pressures for often long periods during which they were usually denied visits by their lawyers and families. The report indicates that abuses were not isolated excesses, but rather that they constituted a pattern that could persist only with the acquiescence of the Israeli authorities. The Israeli army denied the allegations concerning torture contained in the report, but stated that it allowed the interrogators to use some pressure to extract information about imminent attacks, including prolonged standing and loud music.

749. The classified guidelines for GSS interrogators contained in the report of the Landau Commission, which were mentioned in the Special Committee's previous reports, permit the use of "moderate physical pressure" during interrogations. Complaints against interrogators have rarely been investigated. The Special Committee welcomes the adoption by the Knesset in February 1994 of new legislation whereby complaints against GSS interrogators would be investigated by a special unit of the Ministry of Justice also responsible for investigating complaints against the police. The step was meant to prevent a situation in which investigators were investigating themselves. Such complaints were

previously transferred to the police, whose officers often had close professional ties with GSS investigators.

750. On 28 April 1994, the United Nations Committee Against Torture recommended that an immediate end be put to current interrogation practices and that all victims of such practices should be granted access to appropriate rehabilitation and compensation measures. It stated that the Landau Commission report, permitting as it does "moderate physical pressure" as a lawful mode of interrogation, was "completely unacceptable" and recommended that interrogation procedures be published in full so that they were both transparent and seen to be consistent with the standards of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

751. The Chairman of the Knesset Law Committee reportedly indicated that out of 11 Palestinians who had died during GSS investigation over the past five years, only two cases had resulted in the filing of criminal charges. Seven cases were reportedly brought to internal disciplinary courts, while no action had been taken in the remaining two.

752. The release of a certain number of Palestinian prisoners was foreseen within the framework of the Declaration of Principles between Israel and the PLO signed in September 1993. Exempted from release were security prisoners who were involved in homicide and those who had committed "terrorist" attacks after the signing of the agreement. At the time of the signing of the Declaration of Principles, the Mandela Institute for Political Prisoners estimated that some 12,337 Palestinians were imprisoned in Israeli detention facilities in the occupied territories and within the Green Line. When the first releases began, it was reported that they concerned prisoners who had very little of their sentence left to serve and were mostly affiliated to the Fatah faction of the PLO. At the time of the finalization of the present report, most of the envisaged releases had taken place.

753. On 18 April 1994, the Israeli army launched a massive campaign of arrests against Hamas and Islamic Jihad activists that lasted two days. It was reported that more than 300 homes were broken into in the Gaza Stip, often before dawn. Some 300 persons were reportedly apprehended in Gaza and were taken to the Ansar 2 detention centre in Gaza City, to the interrogation centre at Ashkelon prison or to Section 7 of the Ansar 3 detention centre. On 28 April, it was reported that some 450 persons had been arrested, many of whom were placed in administrative detention for three or six months. Already in December 1993, the GSS and the IDF had carried out dozens of arrests in the occupied territories of activists of organizations opposed to the peace process.

754. Among the confidence-building measures to be implemented by Israel under the Israel-PLO Agreement on the Gaza Strip and the Jericho Area signed on 4 May 1994 at Cairo was the release, or turn over, to the Palestinian Authority within a period of five weeks, of about 5,000 Palestinian detainees and prisoners, residents of the West Bank and the Gaza Strip. The prisoners turned over would be obliged to remain in the Gaza Strip or the Jericho Area for the remainder of their sentences. Although the majority of the prisoners concerned by the measure have been released, the Special Committee was informed that at

the time of the finalization of the present report 5,280 persons continued to be detained, some 140 of whom were administrative detainees.

755. After the signing of the Cairo Agreement, the Israeli authorities decided to condition the release of prisoners, including those in administrative detention, on their signing of an undertaking that they would renounce violence as a means to achieve a political end and pledge to support the implementation of the Declaration of Principles, although the agreement itself did not set such conditions. Despite the confidence-building measures, numerous prisoners, from political groups both opposed to and favouring the Declaration of Principles, refused to sign the undertaking, which they viewed as illegal political coercion and as infringement of their freedom. Prisoners belonging to the Hamas movement were reportedly particularly affected by the measure. Upon refusal to sign the undertaking, a number of such prisoners were transferred from the Ansar 3 tent detention camp located in the Negev desert to other prisons.

756. According to a lawyer working for the A-Dameer human rights organization, Israeli prison wardens have reportedly beaten prisoners who had refused to sign the form renouncing acts of "terrorism" or violence against Israelis. The lawyer indicated that prisoners detained in Fara prison who had refused to sign the form were placed in solitary confinement. On 22 June 1994, a lawyer from Jerusalem reportedly declared after a visit to the same prison that the prisoners were subjected to assaults, harassment and torture by interrogators and wardens. It was further reported that prisoners were pressured to confess to membership in Hamas or the Popular Front for the Liberation of Palestine.

757. Paragraph 4 of article XX, entitled "Confidence-Building Measures" of the Cairo Agreement (A/49/180-S/1994/727, annex), stipulates:

> "With the assumption of Palestinian authority, the Palestinian side commits itself to solving the problem of those Palestinians who were in contact with the Israeli authorities. Until an agreed solution is found, the Palestinian side undertakes not to prosecute these Palestinians or to harm them in any way."

On 14 June 1994, Prime Minister Yitzhak Rabin reportedly linked the release of Palestinian prisoners to how the Palestinian Authority adhered to the Israel-PLO accord on the issue of "collaborators". The number of such persons is currently estimated at 7,000. He reportedly also indicated that Israel would maintain its demand that freed prisoners who were convicted of killing "collaborators" or had committed other violent crimes serve out their terms in the self-rule areas. The Special Committee was informed that 46 persons were killed in this context between 1 October 1993 and 31 July 1994. Both the Israeli and Palestinian authorities, who share responsibility in the matter, should endeavour to put an end to the practice, which often involves gross violations of human rights.

758. The overall number of demolitions had decreased during the period under review. Nevertheless, the Israeli authorities have occasionally continued to take harsh measures against the families of detainees and of persons who have committed security offences. The Special Committee received a detailed written account of an operation in Ramallah by the Israeli army on 12 April 1994 when the newly built house of Dr. Muhammad Wahidi was completely destroyed with

anti-tank rockets and bulldozers after his daughter Abir was sentenced to 17 years' imprisonment. The official reason was that wanted fugitives were hiding in the house. During interrogation at the Ramallah Military Headquarters, Mrs. Wahidi was asked by a man in civilian clothes: "Do you know that your daughter Abir is the only girl in Ramallah who fought us?" Houses have also been damaged or destroyed by shooting and explosives during searches for wanted persons. Demolitions were also carried out for lack of a building permit.

759. During the period under consideration by the present report, the Special Committee continued to receive scarce information on the situation of human rights in the occupied Syrian Arab Golan. The Israeli army has continued to arrest residents of the occupied Golan suspected of writing nationalistic slogans. On 6 April 1994, it was reported that the Druze from Majdal Shams village in the Golan Heights had appealed for help to Amnesty International to block temporary exile orders being prepared against seven residents of the village who were suspected of throwing stones and painting nationalistic slogans in the region. The persons were to be deported for one month to the Haifa and Galilee regions.

760. Despite the proclaimed intention of the present Israeli Government to freeze settlement activity, the Committee noted that a neighbourhood comprising 700 new apartments was inaugurated in the presence of the Minister for Housing north of the Katzrin settlement on 4 January 1994. On 3 February, the Israeli Ministry of Agriculture reportedly authorized the extension of two settlements in the Golan Heights whereby Moshav Ramot was allowed to receive 20 families additional to the 77 who were already living there, while Maaleh Gamla was allowed to add 26 families to the 60 already there.

761. On 17 January, it was reported that the Deputy Minister for Defence had announced that the Government would hold a plebiscite if it decided to make "substantial" territorial concessions to the Syrian Arab Republic as part of a comprehensive settlement. On 21 April, Prime Minister Yitzhak Rabin reportedly stated that he favoured the evacuation of settlements in the Golan Heights in exchange for peace with the Syrian Arab Republic. On 29 April, he reportedly indicated that Israel was willing to sign an accord concerning an unspecified withdrawal from the Golan to be completed in three stages over a five- to eight-year period, but did not commit Israel to a full withdrawal.

762. The Special Committee noted with interest that the Syrian and Israeli authorities had given their approval for 100 young Druze from the Golan Heights to study at universities in the Syrian Arab Republic.

763. The Special Committee wishes to recall the position taken by the General Assembly and the Security Council that the annexation by Israel of the occupied Syrian Arab Golan is illegal, and therefore null and void. It has noted with satisfaction that the restitution of the Syrian Arab Golan is part of the negotiations within the framework of the ongoing Middle East peace process. The Special Committee expresses the hope that also with regard to this question, tangible progress will be made in the respective negotiations.

764. Indeed, a new era of hope for peace, justice, understanding and respect for human rights in the region has been initiated with the signing of the Declaration of Principles on 13 September 1993. As indicated so appropriately in that historic agreement, the time had come to put an end to decades of confrontation and conflict and to strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation. The hope and optimism generated by the Declaration of Principles was further reinforced by the subsequent signing at Cairo on 4 May 1994 of the Israel-PLO Agreement on the Gaza Strip and the Jericho Area. The Special Committee expresses its deep satisfaction at the determination and wisdom both parties have demonstrated in the negotiations leading to the conclusion of those agreements.

765. Despite the positive developments mentioned above, the status of occupation continues and Israel should abide by its obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which remains the main international instrument in humanitarian law that applies to the occupied territories.

766. The progress made in the peace process must also go hand in hand with full compliance with all universally accepted standards of human rights, in particular with the Universal Declaration of Human Rights and the provisions of several international human rights instruments ratified by Israel such as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to a number of resolutions relevant to the situation of civilians in the occupied territories adopted by United Nations organs, the United Nations Educational, Scientific and Cultural Organization (UNESCO), WHO and ILO.

767. The Special Committee feels that unless concrete progress is made with regard to the enjoyment of human rights by every man, woman and child in the occupied territories, there is a real danger that support for the peace process among the majority of their inhabitants will give way to hopelessness and despair, with all the possible negative consequences. All the parties concerned must work together on confidence-building measures and try to translate them into a truly meaningful culture of respect for human rights in the occupied territories. It is only in this way that the recent significant achievements towards peace will be solidified and that the people of the region will henceforth live together in peace, in mutual respect and in dignity.

768. The Special Committee hopes that its findings will be taken into account when determining all the concrete measures designed to give life to the spirit of the recent positive developments. In the meantime, it wishes to recommend once more the implementation of measures that would safeguard the basic human rights of the Palestinian people and other Arabs in the occupied territories. Such measures would have to include the following:

(a) The full application, by Israel, of the relevant provisions of the Fourth Geneva Convention, which remains the main international instrument in humanitarian law that applies to the occupied territories, and whose applicability to those territories has repeatedly been reaffirmed by the

Security Council, the General Assembly and other relevant organs of the United Nations;

(b) The full compliance with all resolutions pertinent to the question of the occupied territories as adopted by the Security Council, the General Assembly, the Economic and Social Council, the Commission on Human Rights, as well as other relevant resolutions adopted by UNESCO, WHO and ILO;

(c) The full cooperation of the Israeli authorities with UNRWA representatives and full respect by the Israeli authorities of the privileges and immunities that the Agency enjoys as an international body providing humanitarian services to Palestinian refugees in the occupied territories;

(d) The full cooperation of the Israeli authorities with the International Committee of the Red Cross in order to protect detained persons, in particular by ensuring full access of representatives of the Committee to such persons;

(e) The full support, by Member States, of the activities of UNRWA and the International Committee of the Red Cross in the occupied territories in order to enable both organizations to maintain and improve the assistance provided to the refugee population and to detained persons;

(f) The full cooperation of the Israeli authorities with the recently appointed United Nations Special Coordinator in the Occupied Territories;

(g) Renewed efforts by Member States to convince Israel of the need for increased human rights protection through international monitoring of human rights. This should include enabling the Special Committee, as the main body established by the General Assembly for the protection of human rights in the occupied territories, to perform its function more effectively by allowing it to have access to the occupied territories;

(h) Full cooperation by Israel with the United Nations Centre for Human Rights as regards the implementation of human rights advisory assistance programmes in the areas falling under the Interim Self-Government Arrangements;

(i) The Special Committee would like to appeal to Israel to act in conformity with the spirit animating the peace process by giving serious consideration to the following concrete measures:

(i) With regard to a better protection of the right to life and physical integrity, establish rules of engagement for its security forces that are clear and fully respect human rights standards, and apply open-fire regulations strictly in conformity with the principles of necessity and proportionality; exercise utmost restraint in responding to outbreaks of violence and fully investigate all incidents of shooting; put an immediate end to the activities of undercover units and, in particular, to extrajudicial and summary executions perpetrated by such units;

(ii) Exercise strict control over any abuses perpetrated by settlers, in particular with regard to their use of arms, and review the policy of

arming settlers; prevent acts of violence by settlers and intervene if they are taking place; carry out full and impartial investigations of acts of violence perpetrated by settlers and bring to justice those who are responsible;

(iii) Review as a whole the policy regarding settlements, which continue to represent an obstacle to peace and security in the region, halt their expansion and put an end to the ongoing policy of land confiscation; stop exerting pressure on Arabs in East Jerusalem to sell their houses to members of the Jewish community;

(iv) Enforce the law equitably by ensuring all legal safeguards provided for in universally recognized human rights standards for the Arab population of the occupied territories and the prompt, thorough and impartial administration of justice, with penalties for both Israelis and Arabs commensurate with the gravity of offences committed;

(v) Put an immediate end to interrogation practices amounting to torture and ill-treatment; rapidly and thoroughly investigate the persons identified as responsible for such practices by independent judicial bodies and prosecute them, review and publish in full the guidelines concerning interrogation procedures so that they are transparent and in keeping with international human rights standards Israel has acceded to;

(vi) Review the situation of all Palestinian and other Arab prisoners, especially political detainees or persons having committed non-violent crimes, and expedite their release; refrain from detaining residents of the occupied territories within Israel and improve conditions of detention in conformity with the Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders on 30 August 1955 and approved by the Economic and Social Council by its resolutions of 31 July 1957 and 13 May 1977;

(vii) Allow all persons who were deported or expelled from the occupied territories to return and, where applicable, have their properties restituted;

(viii) Put an end to all measures of collective punishment that affect adversely the economic and social situation of the population of the occupied territories and hinder the enjoyment of a number of fundamental rights and freedoms such as that of movement, education, religion and expression and also refrain from the imposition of curfews and closures and the destruction of property such as the demolition of houses and the uprooting of trees, as well as discriminatory measures concerning the use of water resources.

769. The Special Committee feels that the implementation of these recommendations would contribute immensely to the strengthening of the peace process, enabling all the people of the occupied territories and in the region to live in harmony, dignity and peace.

VI. ADOPTION OF THE REPORT

770. The present report was approved and signed by the Special Committee on 26 August 1994 in accordance with rule 20 of its rules of procedure.

Notes

1/ Documents A/8089, A/8389 and Corr.1 and 2; A/8389/Add.1 and Add.1/Corr.1 and 2; A/8828; A/9148 and Add.1; A/9817; A/10272; A/31/218; A/32/284; A/33/356; A/34/631; A/35/425; A/36/579; A/37/485; A/38/409; A/39/591; A/40/702; A/41/680; A/42/650; A/43/694; A/44/599; A/45/576; A/46/522; A/47/509 and A/48/557.

2/ Official Records of the General Assembly, Twenty-fifth Session, Annexes, agenda item 101, document A/8237; ibid., Twenty-sixth Session, Annexes, agenda item 40, document A/8630; ibid., Twenty-seventh Session, Annexes, agenda item 42, document A/8950; ibid., Twenty-eighth Session, Annexes, agenda item 45, document A/9374; ibid., Twenty-ninth Session, Annexes, agenda item 40, document A/9872; ibid., Thirtieth Session, Annexes, agenda item 52, document A/10461; ibid., Thirty-first Session, Annexes, agenda item 55, document A/31/399; ibid., Thirty-second Session, Annexes, agenda item 57, document A/32/407; ibid., Thirty-third Session, Annexes, agenda item 55, document A/33/439; ibid., Thirty-fourth Session, Annexes, agenda item 51, document A/34/691 and Add.1; ibid., Thirty-fifth Session, Annexes, agenda item 57, document A/35/674; ibid., Thirty-sixth Session, Annexes, agenda item 64, document A/36/632/Add.1; ibid., Thirty-seventh Session, Annexes, agenda item 61, document A/37/698; ibid., Thirty-eighth Session, Annexes, agenda item 69, document A/38/718; ibid., Thirty-ninth Session, Annexes, agenda item 71, document A/39/712; ibid., Fortieth Session, Annexes, agenda item 75, document A/40/890; ibid., Forty-first Session, Annexes, agenda item 71, document A/41/750; ibid., Forty-second Session, Annexes, agenda item 75, document A/42/811; ibid., Forty-third Session, Annexes, agenda item 77, document A/43/904; ibid., Forty-fourth Session, Annexes, agenda item 77, document A/44/816; ibid., Forty-fifth Session, Annexes, agenda item 75, document A/45/823 and Corr.1; ibid., Forty-sixth Session, Annexes, agenda item 73, document A/46/639; ibid., Forty-seventh Session, Annexes, agenda item 74, document A/47/612; and ibid., Forty-eighth Session, Annexes, agenda item 86, document A/48/557.

3/ Official Records of the General Assembly, Twenty-fifth Session, Annexes, agenda item 101, document A/8089, annex III.

4/ United Nations Treaty Series, vol. 75, No. 973, p. 287.

5/ Ibid., No. 972, p. 135.

6/ Ibid., vol. 249, No. 3511, p. 215.

7/ Carnegie Endowment for International Peace, The Hague Conventions and Declarations of 1899 and 1907, New York, Oxford University Press, 1915.

8/ General Assembly resolution 2200 A (XXI).

MAP SHOWING ISRAELI SETTLEMENTS ESTABLISHED IN THE TERRITORIES OCCUPIED IN JUNE 1967

- Israeli settlements — Golan Heights 44; West Bank 246; Gaza Strip 33
- Settlements reported to have been expanded since October 1993
- Town selected for reference purposes

The present map reflects information concerning Israeli settlements which has been submitted to the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Special Committee or the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

A number of settlements in the Occupied Territories were reported to have been expanded since the 25th report of the Special Committee (A/48/557). For ease of reference, these settlements have been marked in red color. Among the settlements in the West Bank which were established but not located, Oranit was said to have been expanded. Among the settlements in the Gaza Strip which were established but not located, Gush Katif and Nissanit have reportedly been expanded.

Settlements in the West Bank, established but not located:

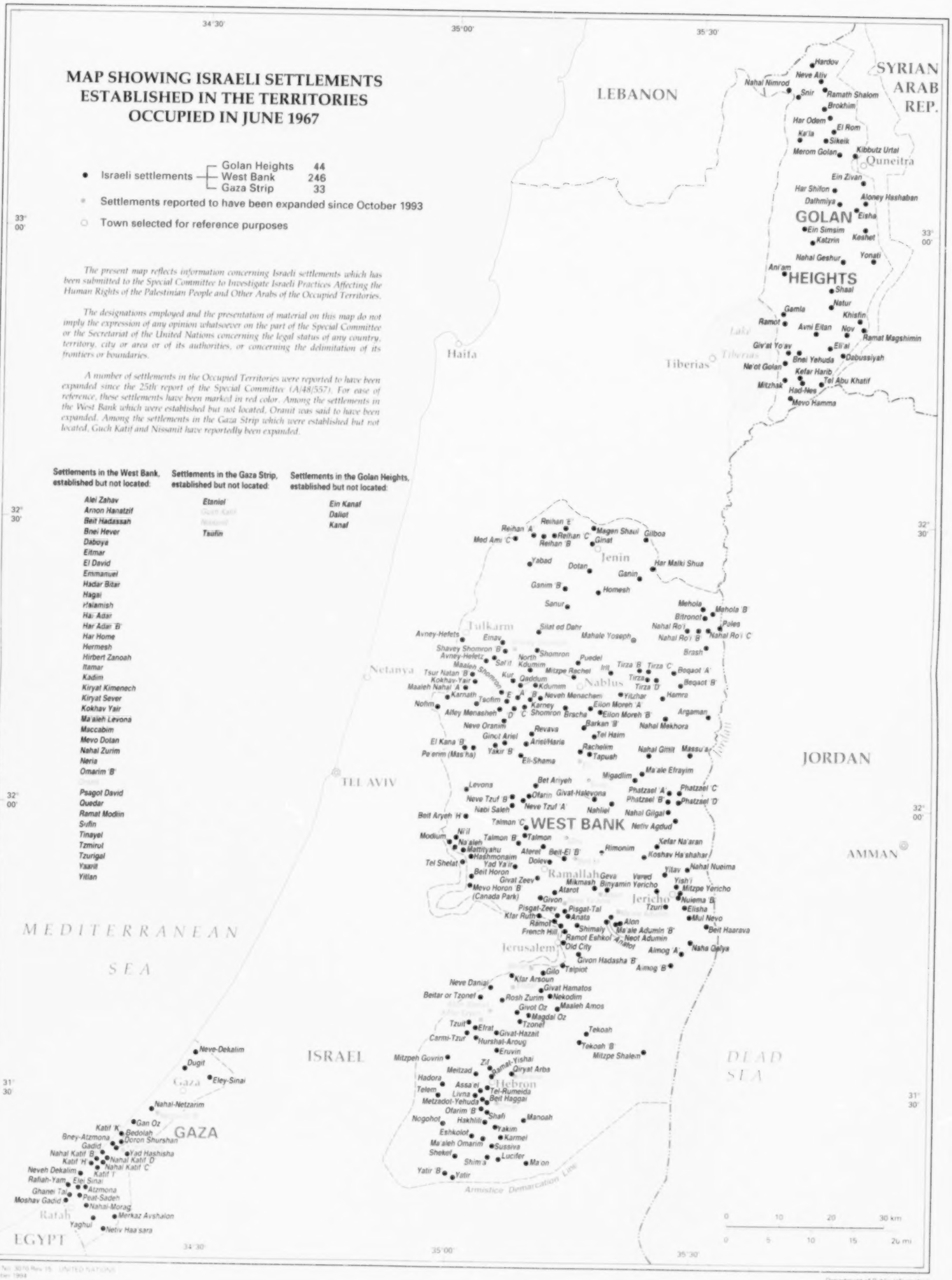
Alei Zahav
Arnon Hanatzif
Beit Hadassah
Bnei Hever
Daboiya
Eitmar
El David
Emmanuel
Hadar Bitar
Hagai
Haikamish
Ha'Adar
Har Adar 'B'
Har Home
Hermesh
Hirbert Zanoah
Itamar
Kadim
Kiryat Kimenech
Kiryat Sever
Kokhav Yair
Ma'aleh Levona
Maccabim
Mevo Dotan
Nahal Zurim
Neria
Omarim 'B'
Psagot David
Quedar
Ramat Modiin
Sa-Nur
Sifiin
Tinayel
Tzmirot
Tzurigal
Ysavit
Yitlan

Settlements in the Gaza Strip, established but not located:

Etaniel
Gush Katif
Nissanit
Tsufin

Settlements in the Golan Heights, established but not located:

Ein Kanaf
Daliot
Kanaf



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